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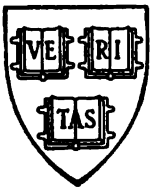

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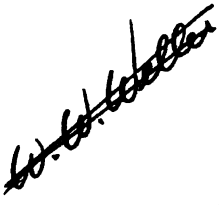

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Oct 19 04

THE PRINCIPLES OF SOCIOLOGY

BY

HERBERT SPENCER

IN THREE VOLUMES

VOL. II

NEW YORK
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1900

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PREFACE TO PART IV.*

Of the chapters herewith published, constituting Part IV of *The Principles of Sociology*, seven have already seen the light: not, however, all of them in England. For reasons which need not be specified, it happened that the chapter on Titles was not, like those preceding it, published in the *Fortnightly Review* at the same time that it was published in periodicals in America, France, Germany, Italy, Hungary, and Russia; and it is therefore new to English readers. Five other chapters, namely V, IX, X, XI, and XII, have not hitherto appeared either at home or abroad.

For deciding to issue by itself, this and each succeeding division of Vol. II of the *Principles of Sociology*, I have found several reasons. One is that each division, though related to the rest, nevertheless forms a whole so far distinct, that it may be fairly well understood without the rest. Another is that large volumes (and Vol. II threatens to exceed in bulk Vol. I) are alarming; and that many who are deterred by their size from reading them, will not fear to undertake separately the parts of which they are composed. A third and chief reason is that postponement of issue until completion of the entire volume, necessitates an undesirable delay in the issue of its earlier divisions: substantially-independent works being thus kept in manuscript much longer than need be.

The contents of this Part are not, indeed, of such kind as to make me anxious that publication of it as a whole should be immediate. But the contents of the next Part,

* The two parts of which this volume consists having been separately published, each with its preface, it seems most convenient here simply to reproduce the two prefaces in place of a fresh one for the entire volume.

treating of Political Institutions, will, I think, be of some importance; and I should regret having to keep it in my portfolio for a year, or perhaps two years, until Parts VI, VII, and VIII, included in the second volume, were written. [Inclusion of these proves impracticable.]

On sundry of the following chapters when published in the *Fortnightly Review*, a criticism passed by friends was that they were overweighted by illustrative facts. I am conscious that there were grounds for this criticism; and although I have, in the course of a careful revision, diminished in many cases the amount of evidence given (adding to it, however, in other cases) the defect may still be alleged. That with a view to improved effect I have not suppressed a larger number of illustrations, is due to the consideration that scientific proof, rather than artistic merit, is the end to be here achieved. If sociological generalizations are to pass out of the stage of opinion into the stage of established truth, it can only be through extensive accumulations of instances: the inductions must be wide if the conclusions are to be accepted as valid. Especially while there continues the belief that social phenomena are not the subject-matter of a Science, it is requisite that the correlations among them should be shown to hold in multitudinous cases. Evidence furnished by various races in various parts of the world, must be given before there can be rebutted the allegation that the inferences drawn are not true, or are but partially true. Indeed, of social phenomena more than all other phenomena, it must, because of their complexity, hold that only by comparisons of many examples can fundamental relations be distinguished from superficial relations.

In pursuance of an intention intimated in the preface to the first volume, I have here adopted a method of reference to authorities cited, which gives the reader the opportunity of consulting them if he wishes, though his attention to them is not solicited. At the end of the volume will be found the needful clues to the passages extracted; pre-

ceded by an explanatory note. Usually, though not uniformly, references have been given in those cases only where actual quotations are made.

London, November, 1879.

PREFACE TO PART V.

THE division of the Principles of Sociology herewith issued, deals with phenomena of Evolution which are, above all others, obscure and entangled. To discover what truths may be affirmed of political organizations at large, is a task beset by difficulties that are at once many and great—difficulties arising from unlikenesses of the various human races, from differences among the modes of life entailed by circumstances on the societies formed of them, from the numerous contrasts of sizes and degrees of culture exhibited by such societies, from their perpetual interferences with one another's processes of evolution by means of wars, and from accompanying breakings-up and aggregations in ever-changing ways.

Satisfactory achievement of this task would require the labours of a life. Having been able to devote to it but two years, I feel that the results set forth in this volume must of necessity be full of imperfections. If it be asked why, being thus conscious that far more time and wider investigation are requisite for the proper treatment of a subject so immense and involved, I have undertaken it, my reply is that I have been obliged to deal with political evolution as a part of the general Theory of Evolution; and, with due regard to the claims of other parts, could not make a more prolonged preparation. Anyone who undertakes to trace the general laws of transformation which hold throughout all orders of phenomena, must have but an incomplete

knowledge of each order; since, to acquaint himself exhaustively with any one order, demanding, as it would, exclusive devotion of his days to it, would negative like devotion to any of the others, and much more would negative generalization of the whole. Either generalization of the whole ought never to be attempted, or, if it is attempted, it must be by one who gives to each part such time only as is requisite to master the cardinal truths it presents. Believing that generalization of the whole is supremely important, and that no one part can be fully understood without it, I have ventured to treat of Political Institutions after the manner implied: utilizing, for the purpose, the materials which, in the space of fourteen years, have been gathered together in the *Descriptive Sociology*, and joining with them such further materials as, during the last two years, have been accumulated by inquiries in other directions, made personally and by proxy. If errors found in this volume are such as invalidate any of its leading conclusions, the fact will show the impolicy of the course I have pursued; but if, after removal of the errors, the leading conclusions remain outstanding, this course will be justified.

Of the chapters forming this volume, the first seven were originally published in the *Fortnightly Review* in England; and, simultaneously, in monthly periodicals in America, France, and Germany. Chapters VIII and IX were thus published abroad but not at home. Chapters XVII and XVIII appeared here in the *Contemporary Review;* and at the same time in the before-mentioned foreign periodicals. The remaining chapters, X, XI, XII, XIII, XIV, XV, XVI, and XIX, now appear for the first time; with the exception of chapter XI, which has already seen the light in an Italian periodical—*La Rivista di Filosofia Scientifica.*

London, March, 1882.

PREFACE TO PART VI.

THREE years and a half have elapsed since the issue of *Political Institutions*—the preceding division of the *Principles of Sociology*. Occupation with other subjects has been one cause of this long delay; but the delay has been in a much greater degree caused by ill-health, which has, during much of the interval, negatived even that small amount of daily work which I was previously able to get through.

Two other parts remain to be included in Vol. II—*Professional Institutions* and *Industrial Institutions*. Whether these will be similarly delayed, I cannot of course say. I entertain hopes that they may be more promptly completed; but it is possible, or even probable, that a longer rather than a shorter period will pass before they appear—if they ever appear at all.

Bayswater, October, 1885.

PREFACE TO THE SECOND EDITION.

NOTWITHSTANDING precautions, errors creep in where many pieces of evidence are given. The detection of these is a service rendered by critics which is commonly of more value than other services rendered by them; and which, in some cases, partially neutralizes their disservices.

I have myself had special difficulties to encounter in maintaining correctness. Even with unshaken health, it would have been impossible for me to read the five hundred and odd works from which the materials for the *Principles of Sociology* have been extracted; and, as it is, having been long in a state in which reading tells upon me as much

as writing, I have been obliged to depend mainly on the compilations made for me, and some years ago published under the title of *Descriptive Sociology*, joined with materials collected by assistants since that time. Being conscious that in the evidence thus gathered, there would inevitably be a per-centage of errors, I lately took measures to verify all the extracts contained in the first volume of the *Principles of Sociology:* fortunately obtaining the aid of a skilled bibliographer, Mr. Tedder, the librarian of the Athenæum Club. The result was not unsatisfactory. For though there were found many mistakes, literal and verbal, yet out of more than 2,000 statements quoted, two only were invalidated: one losing its point and the other being cancelled.

With this division of the work I followed what seemed a better course, but not with better result. While it was standing in type and before any of it was printed, I had all the extracts compared with the passages from which they were copied; and expected thus to insure perfect correctness. But though apparent errors were removed, two unapparent errors remained. In one case, the gentleman who had made for me an extract from the *Records of the Past*, had misunderstood a story translated from the hieroglyphics: a thing easy to do, since the meanings of the translations are often not very clear. And in the other case, an extract concerning the Zulus had been broken off too soon: the copyist not having, as it seems, perceived that a subsequent sentence greatly qualified the sense. Unfortunately, when giving instructions for the verification of extracts, I did not point out the need for a study of the context in every case; and hence, the actual words quoted proving to be correctly given, the errors of meaning passed unrectified.

Beyond removal of these mis-statements, two changes of expression have been made for the purpose of excluding perverse misinterpretations.

Bayswater, January 21, 1886.

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PART IV.

CEREMONIAL INSTITUTIONS.

CHAPTER I.

CEREMONY IN GENERAL.

§ 343. If, disregarding conduct that is entirely private, we consider only that species of conduct which involves direct relations with other persons; and if under the name government we include all control of such conduct, however arising; then we must say that the earliest kind of government, the most general kind of government, and the government which is ever spontaneously recommencing, is the government of ceremonial observance. More may be said. This kind of government, besides preceding other kinds, and besides having in all places and times approached nearer to universality of influence, has ever had, and continues to have, the largest share in regulating men's lives.

Proof that the modifications of conduct called "manners" and "behaviour," arise before those which political and religious restraints cause, is yielded by the fact that, besides preceding social evolution, they precede human evolution: they are traceable among the higher animals. The dog afraid of being beaten, comes crawling up to his master; clearly manifesting the desire to show submission. Nor is it solely to human beings that dogs use such propitiatory actions. They do the like one to another. All have occasionally seen how, on the approach of some formidable Newfoundland or mastiff, a small spaniel, in the extremity of its terror, throws itself on its back with legs in the air. Instead of threatening resistance by growls and showing of teeth, as it might have done had not resistance been hopeless, it spon-

taneously assumes the attitude that would result from defeat in battle; tacitly saying—"I am conquered, and at your mercy." Clearly then, besides certain modes of behaviour expressing affection, which are established still earlier in creatures lower than man, there are established certain modes of behaviour expressing subjection.

After recognizing this fact, we shall be prepared to recognize the fact that daily intercourse among the lowest savages, whose small loose groups, scarcely to be called social, are without political or religious regulation, is under a considerable amount of ceremonial regulation. No ruling agency beyond that arising from personal superiority, characterizes a horde of Australians; but every such horde has imperative observances. Strangers meeting must remain some time silent; a mile from an encampment approach has to be heralded by loud *cooeys*; a green bough is used as an emblem of peace; and brotherly feeling is indicated by exchange of names. Similarly the Tasmanians, equally devoid of government save that implied by predominance of a leader during war, had settled ways of indicating peace and defiance. The Esquimaux, too, though without social ranks or anything like chieftainship, have understood usages for the treatment of guests. Kindred evidence may be joined with this. Ceremonial control is highly developed in many places where other forms of control are but rudimentary. The wild Comanche "exacts the observance of his rules of etiquette from strangers," and "is greatly offended" by any breach of them. When Araucanians meet, the inquiries, felicitations, and condolences which custom demands, are so elaborate that "the formality occupies ten or fifteen minutes." Of the ungoverned Bedouins we read that "their manners are sometimes dashed with a strange ceremoniousness;" and the salutations of Arabs are such that the "compliments in a well-bred man never last less than ten minutes." "We were particularly struck," says Living-

stone, "with the punctiliousness of manners shown by the Balonda." "The Malagasy have many different forms of salutation, of which they make liberal use. . . . Hence in their general intercourse there is much that is stiff, formal, and precise." A Samoan orator, when speaking in Parliament, "is not contented with a mere word of salutation, such as 'gentlemen,' but he must, with great minuteness, go over the names and titles, and a host of ancestral references, of which they are proud."

That ceremonial restraint, preceding other forms of restraint, continues ever to be the most widely-diffused form of restraint, we are shown by such facts as that in all intercourse between members of each society, the decisively governmental actions are usually prefaced by this government of observances. The embassy may fail, negotiation may be brought to a close by war, coercion of one society by another may set up wider political rule with its peremptory commands; but there is habitually this more general and vague regulation of conduct preceding the more special and definite. So within a community, acts of relatively stringent control coming from ruling agencies, civil and religious, begin with and are qualified by, this ceremonial control; which not only initiates but, in a sense, envelops all other. Functionaries, ecclesiastical and political, coercive as their proceedings may be, conform them in large measure to the requirements of courtesy. The priest, however, arrogant his assumption, makes a civil salute; and the officer of the law performs his duty subject to certain propitiatory words and movements.

Yet another indication of primordialism may be named. This species of control establishes itself anew with every fresh relation among individuals. Even between intimates greetings signifying continuance of respect, begin each renewal of intercourse. And in presence of a stranger, say in a railway-carriage, a certain self-restraint, joined with some small act like the offer of a newspaper, shows the spon-

taneous rise of a propitiatory behaviour such as even the rudest of mankind are not without.

So that the modified forms of action caused in men by the presence of their fellows, constitute that comparatively vague control out of which other more definite controls are evolved—the primitive undifferentiated kind of government from which the political and religious governments are differentiated, and in which they ever continue immersed.

§ 344. This proposition looks strange mainly because, when studying less-advanced societies, we carry with us our developed conceptions of law and religion. Swayed by them, we fail to perceive that what we think the essential parts of sacred and secular regulations were originally subordinate parts, and that the essential parts consisted of ceremonial observances.

It is clear, *à priori*, that this must be so if social phenomena are evolved. A political system or a settled cult, cannot suddenly come into existence, but implies pre-established subordination. Before there are laws, there must be submission to some potentate enacting and enforcing them. Before religious obligations are recognized, there must be acknowledged one or more supernatural powers. Evidently, then, the behaviour expressing obedience to a ruler, visible or invisible, must precede in time the civil or religious restraints he imposes. And this inferable precedence of ceremonial government is a precedence we everywhere find.

How, in the political sphere, fulfilment of forms implying subordination is the primary thing, early European history shows us. During times when the question, who should be master, was in course of settlement, now in small areas and now in larger areas uniting them, there was scarcely any of the regulation which developed civil government brings; but there was insistance on allegiance humbly ex-

pressed. While each man was left to guard himself, and blood-feuds between families were unchecked by the central power—while the right of private vengeance was so well recognized that the Salic law made it penal to carry off enemies' heads from the stakes on which they were exhibited near the dwellings of those who had killed them; there was a rigorous demanding of oaths of fidelity to political superiors and periodic manifestations of loyalty. Simple homage, growing presently into liege homage, was paid by smaller rulers to greater; and the vassal who, kneeling ungirt and swordless before his suzerain, professed his subjection and then entered on possession of his lands, was little interfered with so long as he continued to display his vassalage in court and in camp. Refusal to go through the required observances was tantamount to rebellion; as at the present time in China, where disregard of the forms of behaviour prescribed towards each grade of officers, "is considered to be nearly equivalent to a rejection of their authority." Among peoples in lower stages this connexion of social traits is still better shown. The extreme ceremoniousness of the Tahitians, "appears to have accompanied them to the temples, to have distinguished the homage and the service they rendered to their gods, to have marked their affairs of state, and the carriage of the people toward their rulers, to have pervaded the whole of their social intercourse." Meanwhile, they were destitute "of even oral laws and institutes:" there was no public administration of justice. Again, if any one in Tonga neglected the proper salute in presence of a superior noble, some calamity from the gods was expected as a punishment for the omission; and Mariner's list of Tongan virtues commences with "paying respect to the gods, nobles, and aged persons." When to this we add his statement that many actions reprobated by the Tongans are not thought intrinsically wrong, but are wrong merely if done against gods or nobles, we get proof that along with high development of ceremonial control,

the sentiments and ideas out of which civil government comes were but feebly developed. Similarly in the ancient American States. The laws of the Mexican king, Montezuma I., mostly related to the intercourse of, and the distinctions between, classes. In Peru, "the most common punishment was death, for they said that a culprit was not punished for the delinquencies he had committed, but for having broken the commandment of the Ynca." There had not been reached the stage in which the transgressions of man against man are the wrongs to be redressed, and in which there is consequently a proportioning of penalties to injuries; but the real crime was insubordination: implying that insistance on marks of subordination constituted the essential part of government. In Japan, so elaborately ceremonious in its life, the same theory led to the same result. And here we are reminded that even in societies so advanced as our own, there survive traces of a kindred early condition. "Indictment for felony," says Wharton, "is [for a transgression] against the peace of our lord the King, his crown and dignity in general:" the injured individual being ignored. Evidently obedience was the primary requirement, and behaviour expressing it the first modification of conduct insisted on.

Religious control, still better, perhaps, than political control, shows this general truth. When we find that rites performed at graves, becoming afterwards religious rites performed at altars in temples, were at first acts done for the benefit of the ghost, either as originally conceived or as ideally expanded into a deity—when we find that the sacrifices and libations, the immolations and blood-offerings and mutilations, all begun to profit or to please the double of the dead man, were continued on larger scales where the double of the dead man was especially feared—when we find that fasting as a funeral rite gave origin to religious fasting, that praises of the deceased and prayers to him grew into religious praises and prayers; we are shown why primitive

religion consisted almost wholly of propitiatory observances. Though in certain rude societies now existing, one of the propitiations is the repetition of injunctions given by the departed father or chief, joined in some cases with expressions of penitence for breach of them; and though we are shown by this that from the outset there exists the germ out of which grow the sanctified precepts eventually constituting important adjuncts to religion; yet, since the supposed supernatural beings are at first conceived as retaining after death the desires and passions that distinguished them during life, this rudiment of a moral code is originally but an insignificant part of the cult: due rendering of those offerings and praises and marks of subordination by which the goodwill of the ghost or god is to be obtained, forming the chief part. Everywhere proofs occur. We read of the Tahitians that "religious rites were connected with almost every act of their lives;" and it is so with the uncivilized and semi-civilized in general. The Sandwich Islanders, along with little of that ethical element which the conception of religion includes among ourselves, had a rigorous and elaborate ceremonial. Noting that *tabu* means literally, "sacred to the gods," I quote from Ellis the following account of its observance in Hawaii:—

> "During the season of strict tabu, every fire or light in the island or district must be extinguished; no canoe must be launched on the water, no person must bathe; and except those whose attendance was required at the temple, no individual must be seen out of doors; no dog must bark, no pig must grunt, no cock must crow. . . . On these occasions they tied up the mouths of the dogs and pigs, and put the fowls under a calabash, or fastened a piece of cloth over their eyes."

And how completely the idea of transgression was associated in the mind of the Sandwich Islander with breach of ceremonial observance, is shown in the fact that "if any one made a noise on a *tabu* day . . . he must die." Through stages considerably advanced, religion continues to be thus constituted. When questioning the Nicaraguans concern-

ing their creed, Oviedo, eliciting the fact that they confessed their sins to an appointed old man, asks what sort of sins they confessed; and the first clause of the answer is—"we tell him when we have broken our festivals and not kept them." Similarly among the Peruvians, "the most notable sin was neglect in the service of the huacas" [spirits, &c.]; and a large part of life was spent by them in propitiating the apotheosized dead. How elaborate the observances, how frequent the festivals, how lavish the expenditure, by which the ancient Egyptians sought the goodwill of supernatural beings, the records everywhere prove; and that with them religious duty consisted in thus ministering to the desires of ancestral ghosts, deified in various degrees, is shown by the before-quoted prayer of Rameses to his father Ammon, in which he claims his help in battle because of the many bulls he has sacrificed to him. With the Hebrews in pre-Mosaic times it was the same. As Kuenen remarks, the "great work and enduring merit" of Moses, was that he gave dominance to the moral element in religion. In his reformed creed, "Jahveh is distinguished from the rest of the gods in this, that he will be served, not merely by sacrifices and feasts, but also, nay, in the first place, by the observance of the moral commandments." That the piety of the Greeks included diligent performance of rites at tombs, and that the Greek god was especially angered by non-observance of propitiatory ceremonies, are familiar facts; and credit with a god was claimed by the Trojan, as by the Egyptian, not on account of rectitude, but on account of oblations made; as is shown by Chryses' prayer to Apollo. So too, Christianity, originally a renewed development of the ethical element at the expense of the ceremonial element, losing as it spread those early traits which distinguished it from lower creeds, displayed in mediæval Europe, a relatively large amount of ceremony and a relatively small amount of morality. In the Rule of St. Benedict, nine chapters concern the moral and general duties of the brothers, while

thirteen concern the religious ordinances. And how criminality was ascribed to disregard of such ordinances, the following passage from the Rule of St. Columbanus shows:—

"A year's penance for him who loses a consecrated wafer; six months for him who suffers it to be eaten by mites; twenty days for him who lets it turn red; forty days for him who contemptuously flings it into water; twenty days for him who brings it up through weakness of stomach; but, if through illness, ten days. He who neglects his Amen to the Benedicite, who speaks when eating, who forgets to make the sign of the cross on his spoon, or on a lantern lighted by a younger brother, is to receive six or twelve stripes."

That from the times when men condoned crimes by building chapels or going on pilgrimages, down to present times when barons no longer invade one another's territories or torture Jews, there has been a decrease of ceremony along with an increase of morality, is clear; though if we look at unadvanced parts of Europe, such as Naples or Sicily, we see that even now observance of rites is in them a much larger component of religion than obedience to moral rules. And when we remember how modern is Protestantism, which, less elaborate and imperative in its forms, does not habitually compound for transgression by acts expressing subordination, and how recent is the spread of dissenting Protestantism, in which this change is carried further, we are shown that postponement of ceremony to morality characterizes religion only in its later stages.

Mark, then, what follows. If the two kinds of control which eventually grow into civil and religious governments, originally include scarcely anything beyond observance of ceremonies, the precedence of ceremonial control over other controls is a corollary.

§ 345. Divergent products of evolution betray their kinship by severally retaining certain traits which belonged to that from which they were evolved; and the implication is that whatever traits they have in common, arose earlier in

time than did the traits which distinguish them from one another. If fish, reptiles, birds, and mammals, all possess vertebral columns, it follows, on the evolution-hypothesis, that the vertebral column became part of the organization at an earlier period than did the teeth in sockets and the mammæ which distinguish one of these groups, or than did the toothless beak and the feathers which distinguish another of these groups; and so on. Applying this principle in the present case, it is inferable that if the controls classed as civil, religious, and social, have certain common characters, such characters, older than are these now differentiated controls, must have belonged to the primitive control out of which they developed. Ceremonies, then, have the highest antiquity; for these differentiated controls all exhibit them.

There is the making of presents: this is one of the acts showing subordination to a ruler in early stages; it is a religious rite, performed originally at the grave and later on at the altar; and from the beginning it has been a means of vertebral columns, it follows, on the evolution-hypothesis, propitiation in social intercourse. There are the obeisances: these, of their several kinds, serve to express reverence in its various degrees, to gods, to rulers, and to private persons: here the prostration is habitually seen, now in the temple, now before the monarch, now to a powerful man; here there is genuflexion in presence of idols, rulers, and fellow-subjects; here the salaam is more or less common to the three cases; here uncovering of the head is a sign alike of worship, of loyalty, and of respect; and here the bow serves the same three purposes. Similarly with titles: father is a name of honour applied to a god, to a king, and to an honoured individual; so too is lord; so are sundry other names. The same thing holds of humble speeches: professions of inferiority and obedience on the part of the speaker, are used to secure divine favour, the favour of a ruler, and the favour of a private person. Once more, it is thus with words of praise: telling a deity of his greatness constitutes a

large element of worship; despotic monarchs are addressed in terms of exaggerated eulogy; and where ceremony is dominant in social intercourse, extravagant compliments are addressed to private persons.

In many of the less advanced societies, and also in the more advanced that have retained early types of organization, we find other examples of observances expressing subjection, which are common to the three kinds of control—political, religious, and social. Among Malayo-Polynesians the offering of the first fish and of first fruits, is a mark of respect alike to gods and to chiefs; and the Fijians make the same gifts to their gods as they do to their chiefs—food, turtles, whale's-teeth. In Tonga, "if a great chief takes an oath, he swears by the god; if an inferior chief takes an oath, he swears by his superior relation, who, of course, is a greater chief." In Fiji, "all are careful not to tread on the threshold of a place set apart for the gods: persons of rank stride over; others pass over on their hands and knees. The same form is observed in crossing the threshold of a chief's house." In Siam, "at the full moon of the fifth month the Talapoins [priests] wash the idol with perfumed water. . . . The people also wash the Sancrats and other Talapoins; and then in the families children wash their parents." China affords good instances. "At his accession, the Emperor kneels thrice and bows nine times before the altar of his father, and goes through the same ceremony before the throne on which is seated the Empress Dowager. On his then ascending his throne, the great officers, marshalled according to their ranks, kneel and bow nine times." And the equally ceremonious Japanese furnish kindred evidence. "From the Emperor to the lowest subject in the realm there is a constant succession of prostrations. The former, in want of a human being superior to himself in rank, bows humbly to some pagan idol; and every one of his subjects, from prince to peasant, has some person before whom he is bound to cringe and crouch

in the dirt:" religious, political, and social subordination are expressed by the same form of behaviour.

These indications of a general truth which will be abundantly exemplified when discussing each kind of ceremonial observance, I here give in brief, as further showing that the control of ceremony precedes in order of evolution the civil and religious controls, and must therefore be first dealt with.

§ 346. On passing to the less general aspects of ceremonial government, we are met by the question—How do there arise those modifications of behaviour which constitute it? Commonly it is assumed that they are consciously chosen as symbolizing reverence or respect. After their usual manner of speculating about primitive practices, men read back developed ideas into undeveloped minds. The supposition is allied to that which originated the social-contract theory: a kind of conception that has become familiar to the civilized man, is assumed to have been familiar to man in his earliest state. But just as little basis as there is for the belief that savages deliberately made social contracts, is there for the belief that they deliberately adopted symbols. The error is best seen on turning to the most developed kind of symbolization—that of language. An Australian or a Fuegian does not sit down and knowingly coin a word; but the words he finds in use, and the new ones which come into use during his life, grow up unawares by onomatopœia, or by vocal suggestions of qualities, or by metaphor which some observable likeness suggests. Among civilized peoples, however, who have learnt that words are symbolic, new words are frequently chosen to symbolize new ideas. So, too, is it with written language. The early Egyptian never thought of fixing on a sign to represent a sound, but his records began, as those of North American Indians begin now, with rude pictures of the transactions to be kept in memory; and as the process of recording extended, the pictures, abbreviated and generalized, lost more and more their likenesses

to objects and acts, until, under stress of the need for expressing proper names, some of them were used phonetically, and signs of sounds came into existence. But, in our days, there has been reached a stage at which, as shorthand shows us, special marks are consciously selected to signify special sounds. The lesson taught is obvious. As it would be an error to conclude that because we knowingly choose sounds to symbolize ideas, and marks to symbolize sounds, the like was originally done by savages and by barbarians; so it is an error to conclude that because among the civilized certain ceremonies (say those of freemasons) are arbitrarily fixed upon, so ceremonies were arbitrarily fixed upon by the uncivilized. Already, in indicating the primitiveness of ceremonial control, I have named some modes of behaviour expressing subordination which have a natural genesis; and here the inference to be drawn is, that until we have found a natural genesis for a ceremony, we have not discovered its origin. The truth of this inference will seem less improbable on observing sundry ways in which spontaneous manifestations of emotion initiate formal observances.

The ewe bleating after her lamb that has strayed, and smelling now one and now another of the lambs near her, but at length, by its odour, identifying as her own one that comes running up, doubtless, thereupon, experiences a wave of gratified maternal feeling; and by repetition there is established between this odour and this pleasure, such an association that the first habitually produces the last: the smell becomes, on all occasions, agreeable by serving to bring into consciousness more or less of the philoprogenitive emotion. That among some races of men individuals are similarly identified, the Bible yields proofs. Though Isaac, with senses dulled by age, fails thus to distinguish his sons from one another, yet the fact that, unable to see Jacob, and puzzled by the conflicting evidence his voice and his hands furnished, "he smelled the smell of his raiment, and blessed

him," shows that different persons, even members of the same family, were perceived by the Hebrews to have their specific odours. And that perception of the odour possessed by one who is loved, yields pleasure, proof is given by another Asiatic race. Of a Mongol father, Timkowski writes:—"He smelt from time to time the head of his youngest son, a mark of paternal tenderness usual among the Mongols, instead of embracing." In the Philippine Islands "the sense of smell is developed . . . to so great a degree that they are able, by smelling at the pocket-handkerchiefs, to tell to which persons they belong; and lovers at parting exchange pieces of the linen they may be wearing, and during their separation inhale the odour of the beloved being, besides smothering the relics with kisses." So, too, with the Chittagong-Hill people, the "manner of kissing is peculiar. Instead of pressing lip to lip, they place the mouth and nose upon the cheek, and inhale the breath strongly. Their form of speech is not 'Give me a kiss,' but 'smell me.'" Similarly "the Burmese do not kiss each other in the western fashion, but apply the lips and nose to the cheek and make a strong inhalation." And now note a sequence. Inhalation of the odour given off by a loved person coming to be a mark of affection for him or for her, it happens that since men wish to be liked, and are pleased by display of liking, the performance of this act which signifies liking, initiates a complimentary observance, and gives rise to certain modes of showing respect. The Samoans salute by "juxtaposition of noses, accompanied not by a rub, but a hearty smell. They shake and smell the hands also, especially of a superior." And there are like salutes among the Esquimaux and the New Zealanders.

The alliance between smell and taste being close, we may naturally expect a class of acts which arise from tasting, parallel to the class of acts which smelling originates; and the expectation is fulfilled. Obviously the billing of doves or pigeons and the like action of love-birds, indicates

an affection which is gratified by the gustatory sensation. No act of this kind on the part of an inferior creature, as of a cow licking her calf, can have any other origin than the direct prompting of a desire which gains by the act satisfaction; and in such a case the satisfaction is that which vivid perception of offspring gives to the maternal yearning. In some animals like acts arise from other forms of affection. Licking the hand, or, where it is accessible, the face, is a common display of attachment on a dog's part; and when we remember how keen must be the olfactory sense by which a dog traces his master, we cannot doubt that to his gustatory sense, too, there is yielded some impression—an impression associated with those pleasures of affection which his master's presence gives. The inference that kissing, as a mark of fondness in the human race, has a kindred origin, is sufficiently probable. Though kissing is not universal—though the Negro races do not understand it, and though, as we have seen, there are cases in which sniffing replaces it—yet, being common to unlike and widely-dispersed peoples, we may conclude that it originated in the same manner as the analogous action among lower creatures. Here, however, we are chiefly concerned to observe the indirect result. From kissing as a natural sign of affection, there is derived the kissing which, as a means of simulating affection, gratifies those who are kissed; and, by gratifying them, propitiates them. Hence an obvious root for the kissing of feet, hands, garments, as a part of ceremonial.

Feeling, sensational or emotional, causes muscular contractions, which are strong in proportion as it is intense; and, among other feelings, those of love and liking have an effect of this kind, which takes on its appropriate form. The most significant of the actions hence originating is not much displayed by inferior creatures, because their limbs are unfitted for prehension; but in the human race its natural genesis is sufficiently manifest. Mentioning a mother's

embrace of her child, will remind all that the strength of the embrace (unless restrained to prevent mischief) measures the strength of the feeling; and while reminded that the feeling thus naturally vents itself in muscular actions, they may further see that these actions are directed in such ways as to give satisfaction to the feeling by yielding a vivid consciousness of possession. That between adults allied emotions originate like acts, scarcely needs adding. It is not so much these facts, however, as the derived facts, which we have to take note of. Here is another root for a ceremony: an embrace, too, serving to express liking, serves to propitiate in cases where it is not negatived by those observances which subjection entails. It occurs where governmental subordination is but little developed. Of some Snake Indians we read, "the three men immediately leaped from their horses, came up to Captain Lewis, and embraced him with great cordiality." Marcy tells of a Comanche that, "seizing me in his brawny arms while we were yet in the saddle, and laying his greasy head upon my shoulder, he inflicted upon me a most bruin-like squeeze." And Snow says, the Fuegian "friendly mode of salutation was anything but agreeable. The men came and hugged me, very much like the grip of a bear."

Discharging itself in muscular actions which, in cases like the foregoing, are directed to an end, feeling in other cases discharges itself in undirected muscular actions. The resulting changes are habitually rhythmical. Each considerable movement of a limb brings it to a position at which a counter-movement is easy; both because the muscles producing the counter-movement are then in the best positions for contraction, and because they have had a brief rest. Hence the naturalness of striking the hands together or against other parts. We see this as a spontaneous manifestation of pleasure among children; and we find it giving origin to a ceremony among the uncivilized. Clapping of the hands is "the highest mark of respect" in Loango; and it

occurs with kindred meaning among the Coast Negroes, the East Africans, the Dahomans. Joined with other acts expressing welcome, the people of Batoka "slap the outsides of their thighs;" the Balonda people, besides clapping their hands, sometimes "in saluting, drum their ribs with their elbows;" while in Dahomey, and some kingdoms on the Coast, snapping the fingers is one of the salutes. Rhythmical muscular motions of the arms and hands, thus expressing pleasure, real or pretended, in presence of another person, are not the only motions of this class: the legs come into play. Children often "jump for joy;" and occasionally adults may be seen to do the like. Saltatory movements are therefore apt to grow into compliments. In Loango "many of the nobility salute the king by leaping with great strides backward and forward two or three times and swinging their arms." The Fuegians also, as the United States explorers tell us, show friendship "by jumping up and down." *

Feeling, discharging itself, contracts the muscles of the vocal organs, as well as other muscles. Here shouts, indicating joy in general, indicate the joy produced by meeting one who is beloved; and serve to give the appearance of joy before one whose goodwill is sought. Among the Fijians, respect is "indicated by the *tama*, which is a shout of reverence uttered by inferiors when approaching a chief or chief town." In Australia, as we have seen, loud *cooeys* are made on coming within a mile of an encampment

* In his *Early History of Mankind* (2nd ed. pp. 51-2), Mr. Tylor thus comments on such observances:—"The lowest class of salutations, which merely aim at giving pleasant bodily sensations, merge into the civilities which we see exchanged among the lower animals. Such are patting, stroking, kissing, pressing noses, blowing, sniffing, and so forth. . . . Natural expressions of joy, such as clapping hands in Africa, and jumping up and down in Tierra del Fuego, are made to do duty as signs of friendship or greeting." But, as indicated above, to give "pleasant bodily sensations" is not the aim of "the lowest class of salutations." Mr. Tylor has missed the physio-psychological sources of the acts which initiate them.

—an act which, while primarily indicating pleasure at the coming reunion, further indicates those friendly intentions which a silent approach would render doubtful.

One more example may be named. Tears result from strong feeling—mostly from painful feeling, but also from pleasurable feeling when extreme. Hence, as a sign of joy, weeping occasionally passes into a complimentary observance. The beginning of such an observance is shown us by Hebrew traditions in the reception of Tobias by Raguel, when he finds him to be his cousin's son:—"Then Raguel leaped up, and kissed him, and wept." And among some races there grows from this root a social rite. In New Zealand a meeting "led to a warm *tangi* between the two parties; but, after sitting opposite to each other for a quarter of an hour or more, crying bitterly, with a most piteous moaning and lamentation, the *tangi* was transformed into a *hungi*, and the two old ladies commenced pressing noses, giving occasional satisfactory grunts." And then we find it becoming a public ceremony. On the arrival of a great chief, "the women stood upon a hill, and loud and long was the *tangi* to welcome his approach; occasionally, however, they would leave off, to have a chat or a laugh, and then mechanically resume their weeping." Other Malayo-Polynesians have a like custom; as have also the Tupis of South America.

To these examples of the ways in which natural manifestations of emotion originate ceremonies, may be added a few examples of the ways in which ceremonies not originating directly from spontaneous actions, nevertheless originate by natural sequence rather than by intentional symbolization. Brief indications must suffice.

Blood-relationships are formed in Central South Africa between those who imbibe a little of each other's blood. A like way of establishing brotherhood is used in Madagascar, in Borneo, and in many places throughout the world; and it was used among our remote ancestors. This is assumed

to be a symbolic observance. On studying early ideas, however, and finding that the primitive man regards the nature of anything as inhering in all its parts, and therefore thinks he gets the courage of a brave enemy by eating his heart, or is inspired with the virtues of a deceased relative by grinding his bones and drinking them in water, we see that by absorbing each other's blood, men are supposed to establish actual community of nature.

Similarly with the ceremony of exchanging names. "To bestow his name upon a friend is the highest compliment that one man can offer another," among the Shoshones. The Australians exchange names with Europeans, in proof of brotherly feeling. This, which is a widely-diffused practice, arises from the belief that the name is vitally connected with its owner. Possessing a man's name is equivalent to possessing a portion of his being, and enables the possessor to work mischief to him; and hence among numerous peoples a reason for concealing names. To exchange names, therefore, is to establish some participation in one another's being; and at the same time to trust each with power over the other: implying great mutual confidence.

It is a usage among the people of Vate, "when they wish to make peace, to kill one or more of their own people, and send the body to those with whom they have been fighting to eat;" and in Samoa, "it is the custom on the submission of one party to another, to bow down before their conquerors each with a piece of firewood and a bundle of leaves, such as are used in dressing a pig for the oven [bamboo-knives being sometimes added]; as much as to say—'Kill us and cook us, if you please.'" These facts I name because they show a point of departure from which might arise an apparently-artificial ceremony. Let the traditions of cannibalism among the Samoans disappear, and this surviving custom of presenting firewood, leaves, and knives, as a sign of submission, would, in pursuance of the ordinary method of in-

terpretation, be taken for an observance arbitrarily fixed upon.

The facts that peace is signified among the Dacotahs by burying the tomahawk and among the Brazilians by a present of bows and arrows, may be cited as illustrating what is in a sense symbolization, but what is in origin a modification of the proceeding symbolized; for cessation of fighting is necessitated by putting away weapons, or by giving weapons to an antagonist. If, as among the civilized, a conquered enemy delivers up his sword, the act of so making himself defenceless is an act of personal submission; but eventually it comes to be, on the part of a general, a sign that his army surrenders. Similarly, when, as in parts of Africa, "some of the free blacks become slaves voluntarily by going through the simple but significant ceremony of breaking a spear in the presence of their future master," we may properly say that the relation thus artificially established, is as near an approach as may be to the relation established when a foe whose weapon is broken is made a slave by his captor: the symbolic transaction simulates the actual transaction.

An instructive example comes next. I refer to the bearing of green boughs as a sign of peace, as an act of propitiation, and as a religious ceremony. As indicating peace the custom occurs among the Araucanians, Australians, Tasmanians, New Guinea People, New Caledonians, Sandwich Islanders, Tahitians, Samoans, New Zealanders; and branches were used by the Hebrews also for propitiatory approach (II. Macc. xiv. 4). In some cases we find them employed to signify not peace only but submission. Speaking of the Peruvians, Cieza says—"The men and boys came out with green boughs and palm-leaves to seek for mercy;" and among the Greeks, too, a suppliant carried an olive branch. Wall-paintings left by the ancient Egyptians show us palm-branches carried in funeral processions to propitiate the dead; and at the present time "a wreath of palm-

branches stuck in the grave" is common in a Moslem cemetery in Egypt. A statement of Wallis respecting the Tahitians shows presentation of these parts of trees passing into a religious observance: a pendant left flying on the beach the natives regarded with fear, bringing green boughs and hogs, which they laid down at the foot of the staff. And that portion of a tree was anciently an appliance of worship in the East, is shown by the direction in Lev. xxiii. 40, to take the "boughs of goodly trees, branches of palm-trees," and "rejoice before the Lord:" a verification being furnished by the description of the chosen in heaven, who stand before the throne with "palms in their hands." The explanation, when we get the clue, is simple. Travellers' narratives illustrate the fact that laying down weapons on approaching strangers is taken to imply pacific intentions. Obviously the reason is that opposite intentions are thus negatived. Of the Kaffirs, for instance, Barrow says—"'a messenger of peace' is known by this people from his laying down his hassagai or spear on the ground at the distance of two hundred paces from those to whom he is sent, and by advancing from thence with extended arms:" the extension of the arms evidently having the purpose of showing that he has no weapon secreted. But how is the absence of weapons to be shown when so far off that weapons, if carried, are invisible? Simply by carrying other things which are visible; and boughs covered with leaves are the most convenient and generally available things for this purpose. Good evidence is at hand. The Tasmanians had a way of deceiving those who inferred from the green boughs in their hands that they were weaponless. They practised the art of holding their spears between their toes as they walked: "the black . . . approaching him in pretended amity, trailed between his toes the fatal spear." Arbitrary, then, as this usage seems when observed in its later forms only, we find it by no means arbitrary when traced back to its origin.

Taken as proof that the advancing stranger is without arms, the green bough is primarily a sign that he is not an enemy. It is thereafter joined with other marks of friendship. It survives when propitiation passes into submission. And so it becomes incorporated with various other actions which express reverence and worship.

One more instance I must add, because it clearly shows how there grow up interpretations of ceremonies as artificially-devised actions, when their natural origins are unknown. At Arab marriages, Baker says, "there is much feasting, and the unfortunate bridegroom undergoes the ordeal of whipping by the relations of his bride, in order to test his courage. . . . If the happy husband wishes to be considered a man worth having, he must receive the chastisement with an expression of enjoyment; in which case the crowds of women in admiration again raise their thrilling cry." Here, instead of the primitive abduction violently resisted by the woman and her relatives—instead of the actual capture required to be achieved, as among the Kamtschadales, spite of the blows and wounds inflicted by "all the women in the village"—instead of those modifications of the 'form of capture' in which, along with mock pursuit, there goes receipt by the abductor of more or less violence from the pursuers; we have a modification in which pursuit has disappeared, and the violence is passively received. And then there arises the belief that this castigation of the bridegroom is a deliberately-chosen way to "test his courage."

These facts are not given as adequately proving that in all cases ceremonies are modifications of actions which had at first direct adaptations to desired ends, and that their apparently symbolic characters result from their survival under changed circumstances. Here I have aimed only to indicate, in the briefest way, the reasons for rejecting the current hypothesis that ceremonies originate in conscious symbolization; and for entertaining the belief that in every

case they originate by evolution. This belief we shall hereafter find abundantly justified.

§ 347. A chief reason why little attention has been paid to phenomena of this class, all-pervading and conspicuous though they are, is that while to most social functions there correspond structures too large to be overlooked, functions which make up ceremonial control have correlative structures so small as to seem of no significance. That the government of observances has its organization, just as the political and ecclesiastical governments have, is a fact habitually passed over, because, while the last two organizations have developed the first has dwindled: in those societies, at least, which have reached the stage at which social phenomena become subjects of speculation. Originally, however, the officials who direct the rites expressing political subordination have an importance second only to that of the officials who direct religious rites; and the two officialisms are homologous. To whichever class belonging, these functionaries conduct propitiatory acts: the visible ruler being the propitiated person in the one case, and the ruler no longer visible being the propitiated person in the other case. Both are performers and regulators of worship—worship of the living king and worship of the dead king. In our advanced stage the differentiation of the divine from the human has become so great that this proposition looks scarcely credible. But on going back through stages in which the attributes of the conceived deity are less and less unlike those of the visible man, and eventually reaching the early stage in which the other-self of the dead man, considered indiscriminately as ghost and god, is not to be distinguished, when he appears, from the living man; we cannot fail to see the alliance in nature between the functions of those who minister to the ruler who has gone away and those who minister to the ruler who has taken his place. What remaining strangeness there may seem in

this assertion of homology disappears on remembering that in sundry ancient societies living kings were literally worshipped as dead kings were.

Social organisms that are but little differentiated clearly show us several aspects of this kinship. The savage chief proclaims his own great deeds and the achievements of his ancestors; and that in some cases this habit of self-praise long persists, Egyptian and Assyrian inscriptions prove. Among the Patagonians we see a transition beginning. A ruler haranguing his subjects, "always extols his own prowess and personal merit. When he is eloquent, he is greatly esteemed; and when a cacique is not endowed with that accomplishment, he generally has an orator, who supplies his place." Permanent advance from the stage at which the head man lauds himself, to the stage at which laudation of him is done by deputy, is well typified in the contrast between the recent usage in Madagascar, where the king in public assembly was in the habit of relating "his origin, his descent from the line of former sovereigns, and his incontestable right to the kingdom," and the usage that existed in past times among ourselves, when the like distinctions and claims of the king were publicly asserted for him by an appointed officer. As the ruler, extending his dominions and growing in power, gathers round him more numerous agents, the utterance of propitiatory praises, at first by all of these, becomes eventually distinctive of certain among them: there arise official glorifiers. "In Samoa, a chief in travelling is attended by his principal orator." In Fiji each tribe has its "orator, to make orations on occasions of ceremony." The attendants of the chiefs in Ashantee eagerly vociferate the "strong names" of their masters; and a recent writer describes certain of the king's attendants whose duty it is to "give him names"—cry out his titles and high qualities. In kindred fashion a Yoruba king, when he goes abroad, is accompanied by his wives, who sing his praises. Now when we meet with facts of this kind—when

we read that in Madagascar "the sovereign has a large band of female singers, who attend in the courtyard, and who accompany their monarch whenever he takes an excursion, either for a short airing or distant journey;" when we are told that in China "his imperial majesty was preceded by persons loudly proclaiming his virtues and his power;" when we learn that among the ancient Chibchas the bogotá was received with "songs in which they sung his deeds and victories;" we cannot deny that these assertors of greatness and singers of praises do for the living king exactly that which priests and priestesses do for the dead king, and for the god who evolves from the dead king. In societies that have their ceremonial governments largely developed, the homology is further shown. As such societies ordinarily have many gods of various powers, severally served by their official glorifiers; so they have various grades of living potentates, severally served by man who assert their greatness and demand respect. In Samoa, "a herald runs a few paces before, calling out, as he meets any one, the name of the chief who is coming." With a Madagascar chief in his palanquin, "one or two men with assagais, or spears, in their hands, ran along in front shouting out the name of the chief." In advance of an ambassador in Japan there "first walked four men with brooms such as always precede the retinue of a great lord, in order to admonish the people with cries of 'Stay, stay!' which means, 'Sit, or bow you down.'" * In China a magistrate making a progress is preceded by men bearing "red boards having the rank of the officer painted on them, running and shouting to the street passengers, 'Retire, retire! keep silence, and clear the way!' Gong-strikers follow, denoting at certain intervals by so many strokes their master's grade and office." And in ancient Rome men of rank had their *anteambulones* whose cry was "Give place

* Mr. Ernest Satow, writing from Japan to suggest some corrections, says this cry should be "*shita ni, shita ni*, Down! Down! (*i.e.* on your knees)."

to my lord." Another parallelism exists between the official who proclaims the king's will and the official who proclaims the will of the deity. In many places where regal power is extreme, the monarch is either invisible or cannot be directly communicated with: the living ruler thus simulating the dead and divine ruler, and requiring kindred intermediators. It was thus among the ancient Assyrians. Their monarch could be spoken to only through the Vizier or the chief eunuch. It was thus in ancient Mexico. Of Montezuma II. it is said that "no commoner was to look him in the face, and if one did, he died for it;" and further, that he did not communicate with any one, "except by an interpreter." In Nicaragua the caciques "carried their exclusion so far as to receive messages from other chiefs only through officers delegated for that purpose." So of Peru, where some of the rulers "had the custom not to be seen by their subjects but on rare occasions," we read that at the first interview with the Spaniards, "Atahuallpa gave no answer, nor did he even raise his eyes to look at the captain (Hernando de Soto). But a chief replied to what the captain had said." With the Chibchas "the first of the court officers was the crier, as they said that he was the medium by which the will of the prince was explained." Throughout Africa at the present time it is the same. "In conversation with the King of Uganda, the words must always be transmitted through one or more of his officers." In Dahomey, "the sovereign's words are spoken to the meu, who informs the interpreter, who passes it on to the visitor, and the answer must trickle back through the same channels." And, concerning Abyssinia, where even the chiefs sit in their houses in darkness, so "that vulgar eyes may not gaze too plainly upon" them, we are told the king was not seen when sitting in council, but "sat in a darkened room," and "observed through a window what was going on in the chamber without;" and also that he had "an interpreter, who was the medium of communication between

the king and his people on state occasions; his name meant the voice or word of the king." I may add that this parallelism between the secular and sacred agents of communication is in some cases recognized by peoples whose institutions display it. The New Zealand priests are regarded as the "ambassadors of the gods;" and the title "messengers of the gods" is borne by the officers of the temple of Tensio dai Sin, the chief deity of the Japanese.

There is a further evidence of this homology. Where, along with social development considerably advanced, ancestor-worship has remained dominant, and where gods and men are consequently but little differentiated, the two organizations are but little differentiated. In ancient Egypt "it was the priesthood, directing the ceremonial of court-life, who exacted . . . that the king (belonging to their order) did not receive any one who failed to follow their laws of purity." China furnishes a good instance. "The Chinese emperors are in the habit of deifying . . . civil or military officers, whose life has been characterized by some memorable act, and the worship rendered to these constitute the official religion of the mandarins." Further, the emperor "confers various titles on officers who have left the world, and shown themselves worthy of the high trust reposed in them, creating them governors, presidents, overseers, &c., in Hades." And then we learn that one department of the Li pu, or Board of Rites, regulates the etiquette to be observed at court, the dresses, carriages and riding accoutrements, the followers and insignia; while another department superintends the rites to be observed in worshipping deities and spirits of departed monarchs, sages, and worthies, &c.: statements showing that the same board regulates both religious ceremonial and civil ceremonial. To which summarized account I may add this quotation:— "in Court, the master of ceremonies stands in a conspicuous place, and with a loud voice commands the courtiers to

rise and kneel, stand or march;" that is, he directs the worshippers of the monarch as a chief priest directs the worshippers of the god. Equally marked were, until lately, the kindred relations in Japan. With the sacredness of the Mikado, and with his god-like inaccessibility, travellers have familiarized us; but the implied confusion between the divine and the human went to a much greater extent.

"The Japanese generally are imbued with the idea that their land is a real 'shin koku, a kami no kooni'—that is, the land of spiritual beings or kingdom of spirits. They are led to think that the emperor rules over all, and that, among other subordinate powers, he rules over the spirits of the country. He rules over men, and is to them the fountain of honour; and this is not confined to honours in this world, but is extended to the other, where they are advanced from rank to rank by the orders of the emperor."

And then we read that under the Japanese cabinet, one of the eight administrative boards, the Ji Bu shio, "deals with the forms of society, manners, etiquette, worship, ceremonies for the living and the dead." *

Western peoples, among whom during the Christian era differentiation of the divine from the human has become very decided, exhibit in a less marked manner the homology between the ceremonial organization and the ecclesiastical organization. Still it is, or rather was once, clearly traceable. In feudal days, beyond the lord high chamberlains, grand masters of ceremonies, ushers, and so forth, belonging to royal courts, and the kindred officers found in the households of subordinate rulers and nobles (officers who conducted propitiatory observances), there were the heralds. These formed a class of ceremonial functionaries, in various ways resembling a priesthood. Just noting as significant the remark of Scott that "so intimate was the union be-

* Concerning Dickson's statement, here quoted, Mr. Ernest Satow writes that this board (long since extinct) was double. The differentiation in the functions of its divisions was but partial however; for while one regulated the propitiation of the gods, the other, beside regulating secular propitiations, performed propitiations of the dead Mikados, who were gods.

twixt chivalry and religion esteemed to be, that the several gradations of the former were seriously considered as parallel to those of the Church," I go on to point out that these officers pertaining to the institution of chivalry, formed a body which, where it was highly organized, as in France, had five ranks—*chevaucheur, poursuivant d'armes, heraut d'armes, roi d'armes, and roi d'armes de France.* Into these ranks successively, its members were initiated by a species of baptism—wine being substituted for water. They held periodic chapters in the church of St. Antoine. When bearing mandates and messages, they were similarly dressed with their masters, royal or noble, and were similarly honoured by those to whom they were sent: having thus a deputed dignity akin to the deputed sacredness of priests. By the chief king-at-arms and five others, local visitations were made for discipline, as ecclesiastical visitations were made. Heralds verified the titles of those who aspired to the distinctions of chivalry, as priests decided on the fitness of applicants for the sanctions of the Church; and when going their circuits, they were to correct "things ill and dishonest," and to advise princes—duties allied to those of priests. Besides announcing the wills of earthly rulers as priests announced the wills of heavenly rulers, they were glorifiers of the first as priests were of the last: part of their duty to those they served being "to publish their praises in foreign lands." At the burials of kings and princes, where observances for honouring the living and observances for honouring the dead, came in contact, the kinship of a herald's function to the function of a priest was again shown; for besides putting in the tomb the insignia of rank of the deceased potentate, and in that manner sacrificing to him, the herald had to write, or get written, a eulogy—had to initiate that worship of the dead out of which grow higher forms of worship. Similar, if less elaborate, was the system in England. Heralds wore crowns, had royal dresses, and used the plural

"we." Anciently there were two heraldic provinces, with their respective chief heralds, like two dioceses. Further development produced a garter king-at-arms, with provincial kings-at-arms presiding over minor heraldic officers; and, in 1483, all were incorporated into the College of Heralds. As in France, visitations were made for the purpose of verifying existing titles and honours, and authorizing others; and funeral rites were so far under heraldic control that, among the nobility, no one could be buried without the assent of the herald.

Why these structures which discharged ceremonial functions once conspicuous and important, dwindled, while civil and ecclesiastical structures developed, it is easy to see. Propitiation of the living has been, from the outset, necessarily more localized than propitiation of the dead. The existing ruler can be worshipped only in his presence, or, at any rate, within his dwelling or in its neighbourhood. Though in Peru adoration was paid to images of the living Yncas; and though in Madagascar King Radama, when absent, had his praises sung in the words—"God is gone to the west, Radama is a mighty bull;" yet, generally, the obeisances and laudations expressing subordination to the great man while alive, are not made when they cannot be witnessed by him or his immediate dependants. But when the great man dies and there begins the fear of his ghost, conceived as able to reappear anywhere, propitiations are less narrowly localized; and in proportion as, with formation of larger societies, there comes development of deities greater in supposed power and range, dread of them and reverence for them are felt simultaneously over wide areas. Hence the official propitiators, multiplying and spreading, severally carry on their worships in many places at the same time—there arise large bodies of ecclesiastical officials. Not for these reasons alone, however, does the ceremonial organization fail to grow as the other organizations do. Development of the latter, causes decay of

the former. During early stages of social integration, local rulers have their local courts with appropriate officers of ceremony; but the process of consolidation and increasing subordination to a central government, results in decreasing dignity of the local rulers, and disappearance of the official upholders of their dignity. Among ourselves in past times, "dukes, marquises, and earls were allowed a herald and a pursuivant; viscounts, and barons, and others not ennobled, even knights bannerets, might retain one of the latter;" but as the regal power grew, "the practice gradually ceased: there were none so late as Elizabeth's reign." Yet further, the structure carrying on ceremonial control slowly falls away, because its functions are gradually encroached upon. Political and ecclesiastical regulations, though at first insisting mainly on conduct expressing obedience to rulers, human and divine, develop more and more in the directions of equitable restraints on conduct between individuals, and ethical precepts for the guidance of such conduct; and in doing this they trench more and more on the sphere of the ceremonial organization. In France, besides having the semi-priestly functions we have noted, the heralds were "judges of the crimes committed by the nobility;" and they were empowered to degrade a transgressing noble, confiscate his goods, raze his dwellings, lay waste his lands, and strip him of his arms. In England, too, certain civil duties were discharged by these officers of ceremony. Till 1688, the provincial kings-at-arms had "visited their divisions, receiving commissions for that purpose from the Sovereign, by which means the funeral certificates, the descents, and alliances of the nobility and gentry, had been properly registered in this college [of Heralds]. These became records in all the courts at law." Evidently the assumption of functions of these kinds by ecclesiastical and political agents, has joined in reducing the ceremonial structures to those rudiments which now remain in the almost-forgotten Herald's Col-

lege and in the Court officials who regulate intercourse with the Sovereign.

§ 348. Before passing to a detailed account of ceremonial government under its various aspects, it will be well to sum up the results of this preliminary survey. They are these.

That control of conduct which we distinguish as ceremony, precedes the civil and ecclesiastical controls. It begins with sub-human types of creatures; it occurs among otherwise ungoverned savages; it often becomes highly developed where the other kinds of rule are little developed; it is ever being spontaneously generated afresh between individuals in all societies; and it envelops the more definite restraints which State and Church exercise. The primitiveness of ceremonial regulation is further shown by the fact that at first, political and religious regulations are little more than systems of ceremony, directed towards particular persons living and dead: the code of law joined with the one, and the moral code joined with the other, coming later. There is again the evidence derived from the possession of certain elements in common by the three controls, social, political, and religious; for the forms observable in social intercourse occur also in political and religious intercourse as forms of homage and forms of worship. More significant still is the circumstance that ceremonies may mostly be traced back to certain spontaneous acts which manifestly precede legislation, civil and ecclesiastical. Instead of arising by dictation or by agreement, which would imply the pre-established organization required for making and enforcing rules, they arise by modifications of acts performed for personal ends; and so prove themselves to grow out of individual conduct before social arrangements exist to control it. Lastly we note that when there arises a political head, who, demanding subordination, is at first his own master of the ceremonies, and who present-

ly collects round him attendants whose propitiatory acts are made definite and fixed by repetition, there arise ceremonial officials. Though, along with the growth of organizations which enforce civil laws and enunciate moral precepts, there has been such a decay of the ceremonial organization as to render it among ourselves inconspicuous; yet in early stages the body of officials who conduct propitiation of living rulers, supreme and subordinate, homologous with the body of officials who conduct propitiation of dead apotheosized rulers, major and minor, is a considerable element of the social structure; and it dwindles only as fast as the structures, political and ecclesiastical, which exercise controls more definite and detailed, usurp its functions.

Carrying with us these general conceptions, let us now pass to the several components of ceremonial rule. We will deal with them under the heads—Trophies, Mutilations, Presents, Visits, Obeisances, Forms of Address, Titles, Badges and Costumes, Further Class Distinctions, Fashion, Past and Future of Ceremony.

CHAPTER II.

TROPHIES.

§ 349. Efficiency of every kind is a source of self-satisfaction; and proofs of it are prized as bringing applause. The sportsman, narrating his feats when opportunity serves, keeps such spoils of the chase as he conveniently can. Is he a fisherman? Then, occasionally, the notches cut on the butt of his rod, show the number and lengths of his salmon; or, in a glass case, there is preserved the great Thames-trout he once caught. Has he stalked deer? Then in his hall, or dining-room, are fixed up their heads; which he greatly esteems when the attached horns have "many points." Still more, if a successful hunter of tigers, does he value the skins demonstrating his prowess.

Trophies of such kinds, even among ourselves, give to their owner some influence over those around him. A traveller who has brought from Africa a pair of elephant's tusks, or the formidable horn of a rhinoceros, impresses those who come in contact with him as a man of courage and resource, and, therefore, as one not to be trifled with. A vague kind of governing power accrues to him.

Naturally, by primitive men, whose lives are predatory and whose respective values largely depend on their powers as hunters, animal-trophies are still more prized; and tend, in greater degrees, to bring honour and influence. Hence the fact that rank in Vate is indicated by the num-

ber of bones of all kinds suspended in the house. Of the Shoshone warrior we are told that, "killing a grizzly bear also entitles him to this honour, for it is considered a great feat to slay one of these formidable animals, and only he who has performed it is allowed to wear their highest insignia of glory, the feet or claws of the victim." "In the house of a powerful chief [of the Mishmis], several hundreds of skulls [of beasts], are hung up along the walls of the passage, and his wealth is always calculated according to the number of these trophies, which also form a kind of currency among the tribes." With the Santals "it is customary to hand these trophies [skulls of beasts, &c.] down from father to son." And when, with such facts to give us the clue, we read that the habitation of the king of the Koossas "is no otherwise distinguished than by the tail of a lion or a panther hanging from the top of the roof," we can scarcely doubt that this symbol of royalty was originally a trophy displayed by a chief whose prowess had gained him supremacy.

But as, among the uncivilized and semi-civilized, human enemies are more to be feared than beast-enemies, and conquests over men are therefore occasions of greater triumphs than conquests over animals, it results that proofs of such conquests are usually still more valued. A brave who returns from battle does not get honour if his boasts are unsupported by evidence; but if he proves that he has killed his man by bringing back some part of him—especially a part which the corpse could not yield in duplicate—he raises his character in the tribe and increases his power. Preservation of such trophies with a view to display, and consequent strengthening of personal influence, therefore becomes an established custom. In Ashantee "the smaller joints, bones, and teeth of the slain are worn by the victors about their persons." Among the Ceris and Opatas of North Mexico,

"many cook and eat the flesh of their captives, reserving the bones as trophies." And another Mexican race, "the Chichimecs, carried with them a bone on which, when they killed an enemy, they marked a notch, as a record of the number each had slain."

The meaning of trophy-taking and its social effects, being recognized, let us consider in groups the various forms of it.

§ 350. Of parts cut from the bodies of the slain, heads are among the commonest; probably as being the most unmistakable proofs of victory.

We need not go far afield for examples of the practice and its motives. The most familiar of books contains them. In Judges vii. 25, we read—"And they took two princes of the Midianites, Oreb and Zeeb: and they slew Oreb upon the rock Oreb, and Zeeb they slew at the wine-press of Zeeb, and pursued Midian, and brought the heads of Oreb and Zeeb to Gideon on the other side Jordan." Similarly, the decapitation of Goliath by David was followed by carrying his head to Jerusalem. The practice existed in Egypt too. At Abou Simbel, Rameses II., is represented as holding a bunch of a dozen heads. And if, by races so superior, heads were taken home as trophies, we shall not wonder at finding the custom of thus taking them among inferior races all over the globe. By the Chichimecs in North America "the heads of the slain were placed on poles and paraded through their villages in token of victory, the inhabitants meanwhile dancing round them." In South America, by the Abipones, heads are brought back from battle "tied to their saddles;" and the Mundrucus "ornament their rude and miserable cabanas with these horrible trophies." Of Malayo-Polynesians having a like habit, may be named the New Zealanders. Skulls of enemies are preserved as trophies by the natives on the Congo; and "the skull and

thigh bones of the last monarch of Dinkira are still trophies of the court of Ashantee." Among the Hill-tribes of India, the Kukis have this practice. In Persia, under the stimulus of money payments, "prisoners [of war] have been put to death in cold blood, in order that the heads, which are immediately dispatched to the king, . . might make a more considerable show." And that among other Asiatic races head-taking persists spite of semi-civilization, we are reminded by the recent doings of the Turks; who have, in some cases, exhumed the bodies of slain foes and decapitated them.

The last instance draws attention to the fact that this barbarous custom has been, and is, carried to the greatest extremes along with militancy the most excessive. Among ancient examples there are the doings of Timour, with his exaction of ninety thousand heads from Bagdad. Of modern examples the most notable comes from Dahomey. "The sleeping apartment of a Dahoman king was paved with skulls of neighbouring princes and chiefs, placed there that the king might tread upon them." And the king's statement "that his house wanted thatch," was "used in giving orders to his generals to make war, and alludes to the custom of placing the heads of the enemies killed in battle, or those of the prisoners of distinction, on the roofs of the guard-houses at the gates of his palaces."

But now, ending instances, let us observe how this taking of heads as trophies initiates a means of strengthening political power; how it becomes a factor in sacrificial ceremonies; and how it enters into social intercourse as a controlling influence.

That the pyramids and towers of heads built by Timour at Bagdad and Aleppo, must have conduced to his supremacy by striking terror into the subjugated, as well as by exciting dread of vengeance for insubordination among his followers, cannot be doubted; and that living in a dwelling paved and decorated with skulls,

implies, in a Dahoman king, a character generating fear among enemies and obedience among subjects, is obvious. In Northern Celebes, where, before 1822, "human skulls were the great ornaments of the chiefs' houses," these proofs of victory in battle, used as symbols of authority, could not fail to exercise a governmental effect. And that they do this we have definite proof in the fact that among the Mundrucus, the possession of ten smoke-dried heads of enemies renders a man eligible to the rank of chief.

That heads are offered in propitiation of the dead, and that the ceremony of offering them is thus made part of a quasi-worship, there are clear proofs. One is supplied by the Celebes people just named. "When a chief died his tomb must be adorned with two fresh human heads, and if those of enemies could not be obtained, slaves were killed for the occasion." Among the Dyaks, who, though in many respects advanced, have retained this barbarous practice sanctified by tradition, it is the same: "the aged warrior could not rest in his grave till his relatives had taken a head in his name." By the Kukis of Northern India sacrificial head-taking is carried still further. Making raids into the plains to procure heads, they "have been known in one night to carry off fifty. These are used in certain ceremonies performed at the funerals of the chiefs, and it is always after the death of one of their Rajahs that these incursions occur."

That the possession of these grisly tokens of success gives an influence in social intercourse, proof is yielded by the following passage from St. John:—"Head-hunting is not so much a religious ceremony among the Pakatans, Borneo, as merely to show their bravery and manliness. When they quarrel, it is a constant phrase—'How many heads did your father or grandfather get?' If less than his own number—'Well then, you have no occasion to be proud.'"

§ 351. The head of an enemy is of inconvenient bulk; and when the journey home is long there arises the question —cannot proof that an enemy has been killed be given by carrying back a part only? In some places the savage infers that it can, and acts on the inference.

This modification and its meaning are well shown in Ashantee, where "the general in command sends to the capital the jaw-bones of the slain enemies." When first found, the Tahitians, too, displayed in triumph their dead foes' jaw-bones; and Cook saw fifteen of them fastened up at the end of a house. Similarly of Vate, where "the greater the chief, the greater the display of bones," we read that if a slain enemy was "one who spoke ill of the chief, his jaws are hung up in the chief's house as a trophy:" a tacit threat to others who vilified him. A recent account of another Papuan race inhabiting Boigu, on the coast of New Guinea, further illustrates the practice, and also its social effect. Mr. Stone writes:—"By nature these people are bloody and warlike among themselves, frequently making raids to the 'Big Land,' and returning in triumph with the heads and jaw-bones of their slaughtered victims, the latter becoming the property of the murderer, and the former of him who decapitates the body. The jawbone is consequently held as the most valued trophy, and the more a man possesses, the greater he becomes in the eyes of his fellow-men." Add that in South America some tribes of Tupis, in honouring a victorious warrior, "hung the mouth [of his victim] upon his arm like a bracelet."

With the display of jaws as trophies, there may be named a kindred use of teeth. America furnishes instances. The Caribs "strung together the teeth of such of their enemies as they had slain in battle, and wore them on their legs and arms." The Tupis, after devouring a captive, preserved "the teeth strung in necklaces." The Moxos women wore "a necklace made of the teeth of enemies killed by their husbands in battle." The Central Americans made an im-

age, " and in its mouth were inserted teeth taken from the Spaniards whom they had killed."

Other parts of the head, easily detached and carried, also serve. Where many enemies are slain, the collected ears yield in small bulk a means of counting; and probably Zengis Khan had this end in view when, in Poland, he " filled nine sacks with the right ears of the slain." Noses, again, are in some cases chosen as easily enumerated trophies. Anciently, by Constantine V., " a plate of noses was accepted as a grateful offering; " and, at the present time, the noses they have taken are carried by soldiers to their leaders in Montenegro. That the slain Turks thus deprived of their noses, even to the extent of five hundred on one battle-field, were so treated in retaliation for the decapitations the Turks had been guilty of, is true; but this excuse does not alter the fact " that the Montenegrin chiefs could not be persuaded to give up the practice of paying their clansmen for the number of noses produced."

§ 352. The ancient Mexicans, having for gods their deified cannibal ancestors, in whose worship the most horrible rites were daily performed, in some cases took as trophies the entire skins of the vanquished. " The first prisoner made in a war was flayed alive. The soldier who had captured him dressed himself in his bleeding skin, and thus, for some days, served the god of battles. . . . He who was dressed in the skin walked from one temple to another; men and women followed him, shouting for joy." While we here see that the trophy was taken primarily as a proof of the victor's prowess, we are also shown how there resulted a religious ceremony: the trophy was displayed for the supposed gratification of deities delighting in bloodshed. There is further evidence that this was the intention. " At the festival of the goldsmiths' god Totec, one of the priests put on the skin of a captive, and being so dressed, he was the image of that god Totec." Nebel (pl. 3, fig. 1) gives

the basalt figure of a priest (or idol) clothed in a human skin; and additional evidence is yielded by a custom in the neighbouring state of Yucatan, where "the bodies were thrown down the steps, flayed, the priest put on the skins, and danced, and the body was buried in the yard of the temple."

Usually, however, the skin-trophy is relatively small: the requirement being simply that it shall be one of which the body yields no duplicate. The origin of it is well shown by the following description of a practice among the Abipones. They preserve the heads of enemies, and

"When apprehension of approaching hostilities obliges them to remove to places of greater security, they strip the heads of the skin, cutting it from ear to ear beneath the nose, and dexterously pulling it off along with the hair. . . . That Abipon who has most of these skins at home, excels the rest in military renown."

Evidently, however, the whole skin is not needful to prove previous possession of a head. The part covering the crown, distinguished from other parts by the arrangement of its hairs, serves the purpose. Hence is suggested scalping. Tales of Indian life have so far familiarized us with this custom that examples are needless. But one piece of evidence, supplied by the Shoshones, may be named; because it clearly shows the use of the trophy as an accepted evidence of victory—a kind of legal proof regarded as alone conclusive. We read that

"Taking an enemy's scalp is an honour quite independent of the act of vanquishing him. To kill your adversary is of no importance unless the scalp is brought from the field of battle, and were a warrior to slay any number of his enemies in action, and others were to obtain the scalps, or first touch the dead, they would have all the honours, since they have borne off the trophy."

Though we usually think of scalp-taking in connexion with the North American Indians, yet it is not restricted to them. Herodotus describes the Scythians as scalping their conquered enemies; and at the present time the Nagas of the Indian hills take scalps and preserve them.

Preservation of hair alone, as a trophy, is less general; doubtless because the evidence of victory which it yields is inconclusive: one head might supply hair for two trophies. Still there are cases in which an enemy's hair is displayed in proof of success in war. Speaking of a Naga, Grange says his shield "was covered over with the hair of the foes he had killed." The tunic of a Mandan chief is described as "fringed with locks of hair taken by his own hand from the heads of his enemies." And we read of the Cochimis that "at certain festivals their sorcerers . . . wore long robes of skin, ornamented with human hair."

§ 353. Among easily-transported parts carried home to prove victory, may next be named hands and feet. By the Mexican tribes, Ceris and Opatas, "the slain are scalped, or a hand is cut off, and a dance performed round the trophies on the field of battle." So, too, of the California Indians, who also took scalps, we are told that "the yet more barbarous habit of cutting off the hands, feet, or head of a fallen enemy, as trophies of victory, prevailed more widely. They also plucked out and carefully preserved the eyes of the slain." Though this is not said, we may assume that either the right or the left foot or hand was the trophy; since, in the absence of any distinction, victory over two enemies instead of one might be alleged. In one case, indeed, I find the distinction noted. "The right hands of the slain were hung up by both parties [of hostile Khonds] on the trees of the villages." Hands were trophies among ancient peoples of the old world also. The inscription on a tomb at El Kab in Upper Egypt, tells how Aahmes, the son of Abuna, the chief of the steersmen, "when he had won a hand [in battle], he received the king's commendation, and the golden necklace in token of his bravery;" and a wall-painting in the temple of Medinet Abou at Thebes, shows the presentation of a heap of hands to the king.

This last instance introduces us to yet another kind of

trophy. Along with the heap of hands thus laid before the king, there is represented a phallic heap; and an accompanying inscription, narrating the victory of Meneptah I. over the Libyans, besides mentioning the "cut hands of all their auxiliaries," as being carried on donkeys following the returning army, mentions these other trophies as taken from men of the Libyan nation. And here a natural transition brings us to trophies of an allied kind, the taking of which, once common, has continued in the neighbourhood of Egypt down to modern times. The great significance of the account Bruce gives of a practice among the Abyssinians, must be my excuse for quoting part of it. He says:—

"At the end of a day of battle, each chief is obliged to sit at the door of his tent, and each of his followers who has slain a man, presents himself in his turn, armed as in fight, with the bloody foreskin of the man he has slain. . . . If he has killed more than one man, so many more times he returns. . . . After this ceremony is over, each man takes his bloody conquest, and retires to prepare it in the same manner the Indians do their scalps. . . . The whole army . . . on a particular day of review, throws them before the king, and leaves them at the gate of the palace."

Here it is noteworthy that the trophy, first serving to demonstrate a victory gained by the individual warrior, is subsequently made an offering to the ruler, and further becomes a means of recording the number slain: facts verified by the more recent French traveller d'Hericourt. That like purposes were similarly served among the Hebrews, proof is yielded by the passage which narrates Saul's endeavour to betray David when offering him Michal to wife: —"And Saul said, Thus shall ye say to David, The king desireth not any dowry, but an hundred foreskins of the Philistines, to be avenged of the king's enemies;" and David "slew of the Philistines two hundred men; and David brought their foreskins, and gave them in full tale to the king."

§ 354. Associated with the direct motive for taking trophies there is an indirect motive, which probably aids considerably in developing the custom. When treating of primitive ideas, we saw that the unanalytical mind of the savage thinks the qualities of any object beside in all its parts; and that, among others, the qualities of human beings are thus conceived by him. From this we found there arise such customs as swallowing parts of the bodies of dead relatives, or their ground bones in water, with the view of inheriting their virtues; devouring the heart of a slain brave to gain his courage, or his eyes in the expectation of seeing further; avoiding the flesh of certain timid animals, lest their timidity should be acquired. A further implication of this belief that the spirit of each person is diffused throughout him, is, that possession of a part of his body gives possession of a part of his spirit, and, consequently, a power over his spirit: one corollary being that anything done to a preserved part of a corpse is done to the corresponding part of the ghost; and that thus a ghost may be coerced by maltreating a relic. Hence, as before pointed out (§ 133), the origin of sorcery; hence the rattle of dead men's bones so prevalent with primitive medicine-men; hence "the powder ground from the bones of the dead" used by the Peruvian necromancers; hence the portions of corpses which our own traditions of witchcraft name as used in composing charms.

Besides proving victory over an enemy, the trophy therefore serves for the subjugation of his ghost; and that possession of it is, at any rate in some cases, supposed to make his ghost a slave, we have good evidence. The primitive belief everywhere found, that the doubles of men and animals slain at the grave, accompany the double of the deceased, to serve him in the other world—the belief which leads here to the immolation of wives, who are to manage the future household of the departed, there to the sacrifice of horses needed to carry him on his journey after death,

and elsewhere to the killing of dogs as guides; is a belief which, in many places, initiates the kindred belief that, by placing portions of bodies on his tomb, the men and animals they belonged to are made subject to the deceased. We are shown this by the bones of cattle, &c., with which graves are in many cases decorated; by the placing on graves the heads of enemies or slaves, as above indicated; and by a like use of the scalp. Concerning the Osages, Mr. Tylor cites the fact that they sometimes "plant on the cairn raised over a corpse a pole with an enemy's scalp hanging to the top. Their notion was that by taking an enemy and suspending his scalp over the grave of a deceased friend, the spirit of the victim became subjected to the spirit of the buried warrior in the land of spirits." The Ojibways have a like practice, of which a like idea is probably the cause.

§ 355. A collateral development of trophy-taking, which eventually has a share in governmental regulation, must not be forgotten. I refer to the display of parts of the bodies of criminals.

In our more advanced minds the enemy, the criminal, and the slave, are well discriminated; but they are little discriminated by the primitive man. Almost or quite devoid as he is of the feelings and ideas we call moral—holding by force whatever he owns, wresting from a weaker man the woman or other object he has possession of, killing his own child without hesitation if it is an incumbrance, or his wife if she offends him, and sometimes proud of being a recognized killer of his fellow-tribesmen; the savage has no distinct ideas of right and wrong in the abstract. The immediate pleasures or pains they give are his sole reasons for classing things and acts as good or bad. Hence hostility, and the injuries he suffers from it, excite in him the same feeling whether the aggressor is without the tribe or within it: the enemy and the felon are undistinguished. This confusion, now seeming

strange to us, we shall understand better on remembering that even in early stages of civilized nations, the family-groups which formed the units of the national group, were in large measure independent communities, standing to one another on terms much like those on which the nation stood to other nations. They had their small blood-feuds as the nation had its great blood-feuds. Each family-group was responsible to other family-groups for the acts of its members, as each nation to other nations for the acts of its citizens. Vengeance was taken on innocent members of a sinning family, as vengeance was taken on innocent citizens of a sinning nation. And thus in various ways the inter-family aggressor (answering to the modern criminal), stood in a like relative position with the inter-national aggressor. Hence the naturalness of the fact that he was similarly treated. Already we have seen how, in mediæval days, the heads of destroyed family-enemies (murderers of its members or stealers of its property) were exhibited as trophies. And since Strabo, writing of the Gauls and other northern peoples, says that the heads of foes slain in battle were brought back and sometimes nailed to the chief door of the house, while, up to the time of the Salic law, the heads of slain private foes were fixed on stakes in front of it; we have evidence that identification of the public and the private foe was associated with the practice of taking trophies from them both. A kindred alliance is traceable in the usages of the Jews. Along with the slain Nicanor's head, Judas orders that his hand be cut off; and he brings both with him to Jerusalem as trophies: the hand being that which he had stretched out in blasphemous boasts. And this treatment of the transgressor who is an alien, is paralleled in the treatment of non-alien transgressors by David, who, besides hanging up the corpses of the men who had slain Ishbosheth, "cut off their hands and their feet."

It may, then, be reasonably inferred that display of

executed felons on gibbets, or their heads on spikes, originates from the bringing back of trophies taken from slain enemies. Though usually a part only of the slain enemy is fixed up, yet sometimes the whole body is; as when the dead Saul, minus his head, was fastened by the Philistines to the wall of Bethshan. And that fixing up a felon's body is more frequent, probably arises from the fact that it has not to be brought from a great distance, as would usually have to be the body of an enemy.

§ 356. Though no direct connexion exists between trophy-taking and ceremonial government, the foregoing facts reveal such indirect connexions as to make it needful to note the custom. It enters as a factor into the three forms of control—social, political, and religious.

If, in primitive states, men are honoured according to their prowess—if their prowess is estimated here by the number of heads they can show, there by the number of jaw-bones, and elsewhere by the number of scalps,—if such trophies are treasured up for generations, and the pride of families is proportioned to the number of them taken by ancestors—if of the Gauls in the time of Posidonius, we read that "the heads of their enemies that were the chiefest persons of quality, they carefully deposit in chests, embalming them with the oil of cedars, showing them to strangers, glory and boast" that they or their forefathers had refused great sums of money for them; then, obviously, a kind of class distinction is initiated by trophies. On reading that in some places a man's rank varies with the quantity of bones in or upon his dwelling, we cannot deny that the display of these proofs of personal superiority, originates a regulative influence in social intercourse.

As political control evolves, trophy-taking becomes in several ways instrumental to the maintenance of authority. Beyond the awe felt for the chief whose many trophies show his powers of destruction, there comes the greater

awe which, on growing into a king with subordinate chiefs and dependent tribes, he excites by accumulating the trophies others take on his behalf; rising into dread when he exhibits in numbers the relics of slain rulers. As the practice assumes this developed form, the receipt of such vicariously-taken trophies passes into a political ceremony. The heap of hands laid before an ancient Egyptian king, served to propitiate; as now serves the mass of jawbones sent by an Ashantee captain to the court. When we read of Timour's soldiers that "their cruelty was enforced by the peremptory command of producing an adequate number of heads," we are conclusively shown that the presentation of trophies hardens into a form expressing obedience. Nor is it thus only that a political effect results. There is the governmental restraint produced by fixing up the bodies or heads of the insubordinate and the felonious.

Though offering part of a slain enemy to propitiate a ghost, does not enter into what is commonly called religious ceremonial, yet it obviously so enters when the aim is to propitiate a god developed from an ancestral ghost. We are shown the transition by such a fact as that in a battle between two tribes of Khonds, the first man who "slew his opponent, struck off his right arm and rushed with it to the priest in the rear, who bore it off as an offering to Laha Pennoo in his grave:" Laha Pennoo being their "God of Arms." Joining with this such other facts as that before the Tahitian god Oro, human immolations were frequent, and the preserved relics were built into walls "formed entirely of human skulls," which were "principally, if not entirely the skulls of those slain in battle;" we are shown that gods are worshipped by bringing to them, and accumulating round their shrines, these portions of enemies killed —killed, very often, in fulfilment of their supposed commands. This inference is verified on seeing similarly used other kinds of spoils. The Philistines, besides otherwise displaying relics of the dead Saul, put "his

armour in the house of Ashtaroth." By the Greeks the trophy formed of arms, shields, and helmets taken from the defeated, was consecrated to some divinity; and the Romans deposited the spoils of battle in the temple of Jupiter Capitolinus. Similarly among the Fijians, who are solicitous in every way to propitiate their blood-thirsty deities, " when flags are taken they are always hung up as trophies in the *mbure*," or temple. That hundreds of gilt spurs of French knights vanquished by the Flemish in the battle of Courtrai, were deposited in the church of that place, and that in France flags taken from enemies were suspended from the vaults of cathedrals (a practice not unknown in Protestant England), are facts which might be joined with these, did not joining them imply the impossible supposition that Christians think to please " the God of love " by acts like those used to please the diabolical gods of cannibals.

Because of inferences to be hereafter drawn, one remaining general truth must be named, though it is so obvious as to seem scarcely worth mention. Trophy-taking is directly related to militancy. It begins during a primitive life that is wholly occupied in fighting men and animals; it develops with the growth of conquering societies in which perpetual wars generate the militant type of structure; it diminishes as growing industrialism more and more substitutes productive activities for destructive activities; and complete industrialism necessitates entire cessation of it.

The chief significance of trophy-taking, however, has yet to be pointed out. The reason for here dealing with it, though in itself scarcely to be classed as a ceremony, is that it furnishes us with the key to numerous ceremonies prevailing all over the world among the uncivilized and semi-civilized. From the practice of cutting off and taking away portions of the dead body, there grows up the practice of cutting off portions of the living body.

CHAPTER III.

MUTILATIONS.

§ 357. Facility of exposition will be gained by approaching indirectly the facts and conclusions here to be set forth.

The ancient ceremony of infeftment in Scotland was completed thus:—"He [superior's attorney] would stoop down, and, lifting a stone and a handful of earth, hand these over to the new vassal's attorney, thereby conferring upon him 'real, actual, and corporal' possession of the fief." Among a distant slightly-civilized people, a parallel usage occurs. On selling his cultivated plot, a Khond, having invoked the village deity to bear witness to the sale, "then delivers a handful of soil to the purchaser." From cases where the transfer of lands for a consideration is thus expressed, we may pass to cases where lands are by a similar form surrendered to show political submission. When the Athenians applied for help against the Spartans, after the attack of Kleomenes, a confession of subordination was demanded in return for the protection asked; and the confession was made by sending earth and water. A like act has a like meaning in Fiji. "The *soro* with a basket of earth . . . is generally connected with war, and is presented by the weaker party, indicating the yielding up of their land to the conquerors." And so is it in India. When some ten years ago, Tu-wen-hsin sent his "Panthay" mission to England, "they carried with them pieces of rock

hewn from the four corners of the [Tali] mountain, as the most formal expression of his desire to become feudatory to the British Crown."

This giving a part instead of giving the whole, where the whole cannot be mechanically handed over, will perhaps be instanced as a symbolic ceremony; though, even in the absence of any further interpretation, we may say that it approaches as nearly to actual transfer as the nature of the case permits. We are not, however, obliged to regard this ceremony as artificially devised. We may affiliate it upon a simpler ceremony which at once elucidates it, and is elucidated by it. I refer to surrendering a part of the body as implying surrender of the whole. In Fiji, tributaries approaching their masters were told by a messenger "that they must all cut off their *tobe* (locks of hair that are left like tails). . . They all docked their tails." Still, it may be replied that this act, too, is a symbolic act—an act artificially devised rather than naturally derived. If we carry our inquiry a step back, however, we shall find a clue to its natural derivation.

First, let us remember the honour which accrues from accumulated trophies; so that, among the Shoshones for instance, "he who takes the most scalps gains the most glory." Let us join with this Bancroft's statement respecting the treatment of prisoners by the Chichimecs, that "often they were scalped while yet alive, and the bloody trophy placed upon the heads of their tormentors." And then let us ask what happens if the scalped enemy survives. The captor preserves the scalp as an addition to his other trophies; the vanquished enemy becomes his slave; and he is shown to be a slave by the loss of his scalp. Here, then, are the beginnings of a custom that may become established when social conditions make it advantageous to keep conquered foes as servants instead of eating them. The conservative savage changes as little as possible. While the new practice of enslaving the captured

arises, the old practice of cutting from their bodies such parts as serve for trophies continues; and the marks left become marks of subjugation. Gradually as the receipt of such marks comes to imply bondage, not only will those taken in war be marked, but also those born to them; until at length the bearing of the mark shows subordination in general.

That submission to mutilation may eventually grow into the sealing of an agreement to be bondsmen, is shown us by Hebrew history. "Then Nahash the Ammonite came up, and encamped against Jabesh-gilead: and all the men of Jabesh said unto Nahash, Make a covenant with us, and we will serve thee. And Nahash the Ammonite answered them, On this condition will I make a covenant with you, that I may thrust out all your right eyes." They agreed to become subjects, and the mutilation (not in this case consented to, however) was to mark their subjection. And while mutilations thus serve, like the brands a farmer puts on his sheep, to show first private ownership and afterwards political ownership, they also serve as perpetual reminders of the ruler's power: so keeping alive the dread that brings obedience. This fact we see in the statement that when the second Basil deprived fifteen thousand Bulgarian captives of sight, "the nation was awed by this terrible example."

Just adding that the bearing of a mutilation, thus becoming the mark of a subject race, survives as a token of submission when the trophy-taking which originated it has disappeared; let us now note the different kinds of mutilations, and the ways in which they severally enter into the three forms of control—political, religious, and social.

§ 358. When the Araucanians on going to war send messengers summoning confederate tribes, these messengers carry certain arrows as their credentials; and, "if hostilities are actually commenced, the finger, or (as Alcedo will have

it) the hand of a slain enemy, is joined to the arrows"—another instance, added to those already given, in which hands, or parts of them, are brought home to show victory.

We have proof that in some cases living vanquished men, made handless by this kind of trophy-taking, are brought back from battle. King Osymandyas reduced the revolted Bactrians; and as shown "on the second wall" of the monument to him "the prisoners are brought forward: they are without their hands and members." But though a conquered enemy may have one of his hands taken as a trophy without much endangering his life, loss of a hand so greatly diminishes his value as a slave, that some other trophy is naturally preferred.

The like cannot, however, be said of a finger. That fingers are sometimes carried home as trophies we have just seen; and that conquered enemies, mutilated by loss of fingers, are sometimes allowed to live as slaves, the Bible yields proof. In Judges i. 6, 7, we read:—"Adoni-bezek [the Canaanite] fled; and they pursued after him, and caught him, and cut off his thumbs and his great toes. And Adoni-bezek said, Threescore and ten kings, having their thumbs and their great toes cut off, gathered their meat under my table: as I have done, so God hath requited me." Hence, then, the fact that fingers are, in various places, cut off and offered in propitiation of living rulers, in propitiation of dead rulers, and in propitiation of dead relatives. The sanguinary Fijians, extreme in their loyalty to cannibal despots, yield sundry illustrations. Describing the sequence of an alleged insult, Williams says:—"A messenger was . . . sent to the chief of the offender to demand an explanation, which was forthwith given, together with the fingers of four persons, to appease the angry chieftain." On the occasion of a chief's death, "orders were issued that one hundred fingers should be cut off; but only sixty were amputated, one woman losing her life in consequence." Once more, a child's hand "was covered with blood, which

flowed from the stump where, shortly before, his little finger had been cut off, as a token of affection for his deceased father." This propitiation of the dead by offering fingers, or parts of them, occurs elsewhere. When, among the Charruas, the head of the family died, "the daughters, widow, and married sisters were obliged to have, each one joint from the finger cut off; and this was repeated for every relation of the like character who died: the primary amputation being from the little finger." By the Mandans, the usual mode of expressing grief on the death of a relation "was to lose two joints of the little fingers, or sometimes the other fingers." A like custom was found among the Dacotahs and various other American tribes. Sacrificed in this way to the ghost of the dead relative, or the dead chief, to express that subjection which would have pacified him while alive, the amputated finger becomes, in other cases, a sacrifice to the expanded ghost or god. During his initiation the Mandan warrior, "holding up the little finger of his left hand to the Great Spirit, he expresses to Him, in a speech of a few words, his willingness to give it as a sacrifice; when he lays it on the dried buffalo skull, where the other chops it off near the hand with a blow of the hatchet." And the natives of Tonga cut off a portion of the little finger as a sacrifice to the gods, for the recovery of a superior sick relative.

Originally expressing submission to powerful beings alive and dead, this mutilation in some cases becomes, apparently, a mark of domestic subordination. The Australians have a custom of cutting off the last joint of the little finger of females; and a Hottentot "widow, who marries a second time, must have the top joint of a finger cut off, and loses another joint for the third, and so on for each time that she enters into wedlock."

As showing the way in which these propitiatory mutilations of the hands are made so as to interfere least with usefulness, it may be noted that habitually they begin with

the last joint of the little finger, and affect the more important parts of the hand only if they recur. And where, by amputating the hand, there is repeated in full the original mutilation of slain enemies, it is where the usefulness of the subject persons not a consideration, but where the treatment of the external enemy is extended to the internal enemy—the criminal. The Hebrews made the loss of a hand a punishment for one kind of offence, as shown in Deuteronomy, xxv. 11, 12. In ancient Egypt, forgers and other falsifiers lost both hands. Of a Japanese political transgressor it is said—"His hands were ordered to be struck off, which in Japan is the very extremity of dishonour." In mediæval Europe hands were cut off for various offences.

§ 359. Recent accounts from the East prove that some of the vanquished deprived of their noses by their conquerors, survive; and those who do so, remain identifiable thereafter as conquered men. Consequently, lack of a nose may become the mark of a slave; and in some cases it does this. Certain of the ancient Central Americans challenged neighbouring peoples when "they wanted slaves; if the other party did not accept of the challenge, they ravaged their country and cut off the noses of the slaves." And, describing a war carried on during his captivity in Ashantee, Ramseyer says the Ashantees spared one prisoner, "whose head was shaved, nose and ears cut off, and himself made to carry the king's drum."

Along with loss of nose occurs, in the last case, loss of ears. This is similarly interpretable as having originated from trophy-taking, and having in some cases survived, if not as a mark of ordinary slavery, still, as a mark of that other slavery which is a punishment for crime. In ancient Mexico "he who told a lie to the particular prejudice of another had a part of his lip cut off, and sometimes his ears." Among the Honduras people a thief had his goods

confiscated, " and, if the theft was very great, they cut off his ears and hands." A law of an adjacent people, the Miztecs, directed the " cutting off of an adulterer's ears, nose, or lips; " and by some of the Zapotecas, " women convicted of adultery had their ears and noses cut off."

But though absence of ears seems more generally to have marked a criminal than a vanquished enemy who had survived the taking of his ears as trophies, we may suspect that originally it was a trait of an enslaved captive; and that by mitigation, it gave rise to the method of marking a slave that was used by the Hebrews, and still continues in the East with a modified meaning. In Exodus xxi. 5, 6, we read that if, after his six years' service, a purchased slave does not wish to be free, his master shall " bring him to the door, or unto the door-post, and his master shall bore his ear through with an awl, and he shall serve him for ever." Commenting on this ceremony Knobel says:—" In the modern East, the symbol of piercing the ears is mentioned as the mark of those who are dedicated. . . . It expresses the belonging to somebody." And since where there grows up unqualified despotism, private slavery is joined with public slavery, and the accepted theory is that all subjects are the property of the ruler, we may suspect that there hence results in some cases the universality of this mutilation. " All the Burmese without exception have the custom of boring their ears. The day when the operation is performed is kept as a festival; for this custom holds, in their estimation, something of the rank that baptism has in ours." As indirect evidence, I may add the curious fact that the Gond holds " his ears in his hands in token of submission."

A related usage must be noted: the insertion of a ring in the nose. Commenting on this as exemplified by some women of Astrachan, Bell says—" I was told that it was the consequence of a religious dedication of these persons to the service of God." Now read the following passage from Isaiah about Sennacherib:—" This is the word that

the Lord hath spoken concerning him. . . I will put my hook in thy nose, and my bridle in thy lips." And then add the fact that in Assyrian sculptures are represented prisoners being led by cords attached to rings through their noses. Do we not see a kindred filiation—conquest, incidental marking of the captive, survival of the mark as distinguishing subject persons?

§ 360. Jaws can be taken only from those whose lives are taken. There are the teeth, however: some of these may be extracted as trophies without seriously decreasing the usefulness of the prisoner. Hence another form of mutilation.

We have seen that teeth of slain foes are worn in Ashantee and in South America. Now if teeth are taken as trophies from captives who are preserved as slaves, loss of them must become a mark of subjection. Of facts directly showing that a propitiatory ceremony hence arises I can name but one. Among mutilations undergone when a king or chief dies in the Sandwich Islands, Ellis names knocking out one of the front teeth: an alternative being cutting the ears. When we further read in Cook that the Sandwich Islanders knock out from one to four of the front teeth, showing that the whole population becomes marked by these repeated mutilations suffered to propitiate the ghosts of dead rulers—when we infer that in propitiation of a much-dreaded ruler deified after death, not only those who knew him may submit to this loss, but also their children subsequently born; we see how the practice, becoming established, may survive as a sacred custom when its meaning is lost. For concluding that the practice has this sacramental nature, there are the further reasons derived from the fixing of the age for the operation, and from the character of the operator. In New South Wales it is the Koradger men, or priests, who perform the ceremony; and of a semi-domesticated Australian, Haygarth writes that he

said one day, "with a look of importance, that he must go away for a few days, as he had grown up to man's estate, and 'it was high time that he should have his teeth knocked out.'" Various African races, as the Batoka, the Dor, similarly lose two or more of their front teeth; and habitually the loss of them is an obligatory rite. But the best evidence is furnished by the ancient Peruvians. A tradition among certain of them was that the conqueror Huayna Ccapac, finding them disobedient, "made a law that they and their descendants should have three of their front teeth pulled out in each jaw." Another tradition, naturally derivable from the last, was that this extraction of teeth by fathers from their children was a "service very acceptable to their gods." And then, as happens with other mutilations of which the meaning has dropped out of memory, the improvement of the appearance was in some parts the assigned motive.

§ 361. As the transition from eating conquered enemies to making slaves of them, mitigates trophy-taking so as to avoid causing death; and as the tendency is to modify the injury inflicted so that it shall in the least degree diminish the slave's usefulness; and as, with the rise of a class born in slavery, the mark which the slave bears, no longer showing that he was taken in war, does not imply a victory achieved by his owner; there eventually remains no reason for a mark which involves serious mutilation. Hence it is inferable that mutilations of the least injurious kinds will become the commonest. Such, at any rate, seems a reasonable explanation of the fact that cutting off of hair is the most prevalent mutilation.

Already we have seen the probable origin of the custom in Fiji, where tributaries had to sacrifice their locks on approaching their great chiefs; and there is evidence that a kindred sacrifice was demanded of old in Britain. In the Arthurian legends, which, unhistoric as they may be, yield

good evidence respecting the manners of the times from which they descend, we read, "Then went Arthur to Caerleon; and thither came messengers from King Ryons, who said, 'Eleven kings have done me homage, and with their beards I have trimmed a mantle. Send me now thy beard, for there lacks yet one to the finishing of my mantle.'"

Reasons exist for the belief that taking an enslaved captive's hair, began with the smallest practicable divergence from taking the dead enemy's scalp; for the part of the hair in some cases given in propitiation, and in other cases worn subject to a master's ownership, answers in position to the scalp-lock. The *tobe* yielded up by the tributary Fijians was a kind of pigtail: the implication being that this could be demanded by, and therefore belonged to, the superior. Moreover, among the Kalmucks,

> "When one pulls another by the pigtail, or actually tears it out, this is regarded as a punishable offence, because the pigtail is thought to belong to the chief, or to be a sign of subjection to him. If it is the short hair on the top of the head that has been subjected to such treatment, it does not constitute a punishable offence, because this is considered the man's own hair and not that of the chief."

And then I may add the statement of Williams, that the Tartar conquerors of China ordered the Chinese "to adopt the national Tartar mode of shaving the front of the head, and braiding the hair in a long queue, as a sign of submission." Another fact presently to be given joins with these in suggesting that a vanquished man, not killed but kept as a slave, wore his scalp-lock on sufferance.

Be this as it may, however, the widely-prevalent custom of taking the hair of the conquered, either with or without part of the skin, has nearly everywhere resulted in the association between short hair and slavery. This association existed among both Greeks and Romans: "the slaves had their hair cut short as a mark of servitude." We find it the same throughout America. "Socially the slave is despised, his hair is cut short," says Bancroft of the

Nootkas; and "the privilege of wearing long hair was rigorously denied" to Carib slaves and captives. The slavery that punished criminality was similarly marked. In Nicaragua, "a chief had his hair cut off and became a slave to the person that had been robbed till he was satisfied." Naturally, infliction of the slave-badge grew into a punishment. By the Central Americans a suspected adulterer "was stripped and his hair was cut." One ancient Mexican penalty "was to have the hair cut at some public place." And during mediæval times in Europe cutting of hair was a punishment. Of course, by contrast, long hair became a distinction. If among the Chibchas "the greatest affront that could be put on a man or a woman was to have their hair cropped," the assimilation to slaves in appearance was the reason: the honourableness of long hair being an implication. "The Itzaex Indians," says Fancourt, "wore their hair as long as it would grow; indeed, it is a most difficult thing to bring the Indians to cut their hair." Long hair shows rank among the Tongans: none are permitted to wear it but the principal people. Similarly with the New Caledonians and various others of the uncivilized; and similarly with semi-civilized Orientals: "the Ottoman princes have their beard shaved off to show that they are dependent on the favour of the reigning emperor." By the Greeks, "in manhood, . . . hair was worn longer," and "a certain political significancy was attached to the hair." In Northern Europe, too, "among the Franks . . . the serfs wore the hair less long and less carefully dressed than freemen," and the freemen less long than the nobles. "The hair of the Frank kings is sacred. . . . It is for them a mark and honourable prerogative of the royal race." Clothair and Childebert, wishing to divide their brother's kingdom, consulted respecting their nephews, "whether to cut off their hair so as to reduce them to the rank of subjects, or to kill them." I may add the extreme case of the Japanese Mikado.

"Neither his hair, beard, nor nails are ever [avowedly] cut, so that his sacred person may not be mutilated:" such cutting as occurs being done while he is supposed to sleep.

A parallel marking of divine rank may be noted in passing. Length of hair being significant of terrestrial dignity becomes significant, too, of celestial dignity. The gods of various peoples, and especially the great gods, are distinguished by their flowing beards and long locks.

Domestic subordination also, in many cases goes along with short hair. Under low social conditions, females commonly bear this badge of slavery. In Samoa the women wear the hair short while the men wear it long; and among other Malayo-Polynesians, as the Tahitians and New Zealanders, the like contrast occurs. Similarly with the Negrito races. "In New Caledonia the chiefs and influential men wear their hair long. . . . The women all crop theirs close to the very ears." Cropped heads in like manner distinguish the women of Tanna, of Lifu, of Vate, and those of Tasmania. A kindred mode of signifying filial subjection has existed. Sacrifice of hair once formed part of the ceremony of adoption in Europe. "Charles Martel sent Pepin, his son, to Luithprand, king of the Lombards, that he might cut his first locks, and by this ceremony hold for the future the place of his father;" and Clovis, to make peace with Alaric, proposed to become his adopted son, by offering his beard to be cut by him.

This mutilation simultaneously came to imply subjection to dead persons. How yielding up hair to the dead is originally akin to yielding up a trophy, is well shown by the Dacotahs. "The men shave the hair off their heads, except a small tuft on the top [the scalp-lock], which they suffer to grow and wear in plaits over the shoulders: the loss of it is the usual sacrifice at the death of near relations." That is, they go as near as may be to surrendering their scalps to the dead. The meaning is again seen in the account given of the Caribs. "As their hair thus constituted their

chief pride, it was an unequivocal proof of the sincerity of their sorrow, when, on the death of a relation or friend, they cut it short like their slaves and captives." Everywhere the uncivilized have kindred forms. Nor was it otherwise with the ancient historic races. By the Hebrews making "baldness upon their heads" was practised as a funeral rite, as was also shaving off "the corner of their beard." Among Greeks and Romans, "the hair was cut close in mourning." In Greece the meaning of this mutilation was recognized. Potter remarks,—"we find Electra in Euripides finding fault with Helena for sparing her locks, and thereby defrauding the dead;" and he cites the statement that this sacrifice of hair (sometimes laid upon the grave) was "partly to render the ghost of the deceased person propitious." A significant addition must be made. "For a recent death, the mourner's head was shaved; for an offering to the long dead, a single lock was cut off."

Naturally if, from propitiation of the dead, some of whom become deities, there grows up religious propitiation, the offering of hair may be expected to re-appear as a religious ceremony; and we find that it does so. Already, in the just-named fact that besides the hair sacrificed at a Greek funeral, smaller sacrifices of hair were made afterwards, we see the rise of that recurring propitiation characterizing worship of a deity. And when we further read that among the Greeks "on the death of any very popular personage, as a general, it sometimes happened that all the army cut off their hair," we are shown a step towards that propitiation by unrelated members of the community at large, which, when it becomes established, is a trait of religious worship. Hence certain Greek ceremonies. "The cutting off of the hair, which was always done when a boy became an ἔφηβος, was a solemn act, atttended with religious ceremonies . . . and the hair after being cut off was dedicated to some deity, usually a river-god." So, too, at the first shaving among the Romans: "the hair cut off on

such occasions was consecrated to some god." Sacrifice of hair was an act of worship with the Hebrews also. We are told of "fourscore men, having their beards shaven, and their clothes rent, and having cut themselves, with offerings and incense in their hand, to bring them to the house of the Lord;" and Krehl gives sundry kindred facts concerning the Arabians. Curious modifications of the practice occurred in ancient Peru. Small sacrifices of hair were continual. "Another offering," writes d'Acosta, is "pulling out the eye-lashes or eye-brows and presenting them to the sun, the hills, the combles, the winds, or whatever they are in fear of." "On entering the temples, or when they were already within them, they put their hands to their eyebrows as if they would pull out the hairs, and then made a motion as if they were blowing them towards the idol;" a good instance of the abridgment which ceremonies habitually undergo.

One further development remains. This kind of sacrifice becomes in some cases a social propitiation. Wreaths of their own hair plaited, were bestowed upon others as marks of consideration by the Tahitians. In France in the fifth and sixth centuries, it was usual to pluck out a few hairs from the beard on approaching a superior, and present them; and this usage was occasionally adopted as a mark of condescension by a ruler, as when Clovis, gratified by the visit of the Bishop of Toulouse, gave him a hair from his beard, and was imitated in so doing by his followers. Afterwards the usage had its meaning obscured by abridgment. In the times of chivalry one mode of showing respect was to tug at the moustache.

§ 362. Already, when treating of trophies, and when finding that those of the phallic class, major and minor, had the same meanings as the rest, the way was opened to explain the mutilations next to be dealt with. We have seen that when the vanquished were not killed but enslaved,

it became imperative that the taking of trophies from them should neither endanger life nor be highly injurious; and that hence instead of jaws, teeth were taken; instead of hands, fingers; instead of scalps, hair. Similarly in this case, the fatal or dangerous mutilation disappearing, left only such allied mutilation as did not seriously or at all decrease the value of the enemy as a servant.

That castration was initiated by trophy-taking I find no direct proof; but there is direct proof that prisoners are sometimes treated in a way which trophy-taking of the implied kind would entail. The ancient Persians used to castrate the young men and boys of their vanquished enemies. Of Theobald, Marquis of Spoleto, we read in Gibbon that "his captives . . . were castrated without mercy." For thinking that there was once an enforced sacrifice of the nature indicated, made to a conqueror, there is the further reason that we find a parallel sacrifice made to a deity. At the annual festivals of the Phrygian goddess Amma [Agdistis], "it was the custom for young men to make themselves eunuchs with a sharp shell, crying out at the same time, 'Take this, Agdistis.'" There was a like practice among the Phœnicians; and Brinton names a severe self-mutilation of the ancient Mexican priests, which seems to have included this. Coming in the way shown to imply subordination, this usage, like many ceremonial usages, has in some cases survived where its meaning is lost. The Hottentots enforce semi-castration at about eight or nine years of age; and a kindred custom exists among the Australians.

Naturally, of this class of mutilations, the less serious is the more prevalent. Circumcision occurs among unallied races in all parts of the world—among the Malayo-Polynesians in Tahiti, in Tonga, in Madagascar; among the Negritos of New Caledonia and Fiji; among African peoples, both of the coast and the interior, from northern Abyssinia to southern Kaffir-land; in America, among some

Mexican peoples, the Yucatanese, and the people of San Salvador; and we meet with it again in Australia. Even apart from the fact that their monuments show the Egyptians practiced it from early times, and even apart from the evidence that it prevailed among Arab peoples at large, these proofs that circumcision is not limited to region or race, sufficiently dispose of the current theological interpretation. They sufficiently dispose, too, of another interpretation not uncommonly given; for a general survey of the facts shows us that while the usage does not prevail among the most cleanly races in the world, it is common among the most uncleanly races. Contrariwise, the facts taken in the mass are congruous with the general theory thus far verified.

It was shown that among the Abyssinians the trophy taken by circumcision from an enemy's dead body, is presented by each warrior to his chief; and that all such trophies taken after a battle are eventually presented to the king. If the vanquished enemies instead of being killed are made slaves; and if the warriors who have vanquished them continue to present the usual proofs of their prowess; there must arise the circumcision of living captives, who thereby become marked as subjugated persons. A further result is obvious. As the chief and the king are propitiated by bringing them these trophies taken from their foes; and as the primitive belief is that a dead man's ghost is pleased by whatever pleased the man when alive; there will naturally follow a presentation of such trophies to the ghost of the departed ruler. And then in a highly militant society governed by a divinely-descended despot, who requires all his subjects to bear this badge of servitude, and who, dying, has his dreaded ghost anxiously propitiated; we may expect that the presentation to the king of these trophies taken from enslaved enemies, will develop into the offering to the god of like trophies taken from each generation of male citizens in acknowledg-

ment of their slavery to him. Hence, when Movers says that among the Phœnicians circumcision was "a sign of consecration to Saturn," and when proof is given that of old the people of San Salvador circumcised "in the Jewish manner, offering the blood to an idol," we are shown just the result to be anticipated as eventually arising.

That this interpretation applies to the custom as made known in the Bible, is clear. We have already seen that the ancient Hebrews, like the modern Abyssinians, practised the form of trophy-taking which necessitates this mutilation of the dead enemy; and as in the one case, so in the other, it follows that the vanquished enemy not slain but made prisoner, will by this mutilation be marked as a subject person. That circumcision was among the Hebrews the stamp of subjection, all the evidence proves. On learning that among existing Bedouins, the only conception of God is that of a powerful living ruler, the sealing by circumcision of the covenant between God and Abraham becomes a comprehensible ceremony. There is furnished an explanation of the fact that in consideration of a territory to be received, this mutilation, undergone by Abraham, implied that "the Lord" was "to be *a* god unto" him; as also of the fact that the mark was to be borne not by him and his descendants only, as favoured individuals, but also by slaves not of his blood. And on remembering that by primitive peoples the returning double of the dead potentate is believed to be indistinguishable from the living potentate, we get an interpretation of the strange tradition concerning God's anger with Moses for not circumcising his son:—"And it came to pass by the way in the inn, that the Lord met Moses, and sought to kill him. Then Zipporah took a sharp stone, and cut off the foreskin of her son, and cast it at his feet." There are further proofs that circumcision among the Jews was a mark of subordination to Jahveh. Under the foreign ruler Antiochus, who brought in foreign gods, circumcision was forbidden; and those who, persever-

ing in it, refused obedience to these foreign gods, were slain. On the other hand, Mattathias and his friends, rebelling against foreign rule and worship, are said to have gone "round about, and pulled down the altars: and what children soever they found within the coast of Israel uncircumcised, those they circumcised valiantly." Moreover Hyrcanus, having subdued the Idumeans, made them submit to circumcision; and Aristobulus similarly imposed the mark on the conquered people of Iturea.

Quite congruous are certain converse facts. Tooitonga (the great divine chief of Tonga) is not circumcised, as all the other men are; being unsubordinated, he does not bear the badge of subordination. And with this I may join a case in which whole tribes belonging to a race ordinarily practising circumcision, are uncircumcised where they are unsubordinated. Naming some wild Berbers in Morocco as thus distinguished, Rohlfs says, "these uncircumcised tribes inhabit the Rif mountains. . . . All the Rif mountaineers eat wild boar, in spite of the Koran law."

§ 363. Besides mutilations entailing some loss of flesh, bone, skin, or hair, there are mutilations which do not imply a deduction; at least—not a permanent one. Of these we may take first, one which sacrifices a liquid part of the body though not a solid part.

Bleeding as a mutilation has an origin akin to the origins of other mutilations. Did we not find that some uncivilized tribes, as the Samoyedes, drink the warm blood of animals—did we not find among existing cannibals, such as the Fijians, proofs that savages drink the blood of still-living human victims; it would seem incredible that from taking the blood of a vanquished enemy was derived the ceremony of offering blood to a ghost and to a god. But when to accounts of horrors like these we join accounts of kindred ones which savages commit, such as that among the Amaponda Kaffirs "it is usual for the ruling chief, on

his accession to the government, to be washed in the blood of a near relative, generally a brother, who is put to death on the occasion;" and when we infer that before civilization arose the sanguinary tastes and usages now exceptional were probably general; we may suspect that from the drinking of blood by conquering cannibals there arose some kinds of blood-offerings—at any rate, offerings of blood taken from immolated victims. Possibly some offerings of blood from the bodies of living persons are to be thus accounted for. But those which are not, are explicable as arising from the practice of establishing a sacred bond between living persons by partaking of each other's blood: the derived conception being that those who give some of their blood to the ghost of a man just dead and lingering near, effect with it a union which on the one side implies submission, and on the other side friendliness.

On this hypothesis we have a reason for the prevalence of self-bleeding as a funeral rite, not among existing savages only, but among ancient and partially-civilized peoples—the Jews, the Greeks, the Huns, the Turks. We are shown how there arise kindred rites as permanent propitiations of those more dreaded ghosts which become gods—such offerings of blood, now from their own bodies and now from their infants' bodies, as those which the Mexicans gave their idols; such offerings as were implied by the self-gashings of the priests of Baal; and such as were sometimes made even in propitiating Jahveh, as by the fourscore men who came from Shechem, Shiloh, and Samaria. Moreover, the instances of blood-letting as a complimentary act in social intercourse, become explicable. During a Samoan marriage ceremony the friends of the bride, to testify their respect, "took up stones and beat themselves until their heads were bruised and bleeding." "When the Indians of Potonchan (Central America) receive new friends . . . as a proof of friendship, they, in the sight of the friend, draw some blood . . . from the

tongue, hand, or arm, or from some other part." And Mr. W. Foster, Agent General for New South Wales, writes to me that he has seen an Australian mother on meeting her son after an interval of six months, gash her face with a pointed stick "until the blood streamed."

§ 364. Cuts leave scars. If the blood-offerings which entail them are made by relatives to the departed spirit of an ordinary person, these scars are not likely to have any permanent significance; but if they are made in propitiation of a deceased chief, not by his relatives alone but by unrelated members of the tribe who stood in awe of him and fear his ghost, then, like other mutilations, they become signs of subjection. The Huns who "at the burial of Attila, cut their faces with hollow wounds," in common with the Turks who did the like at royal funerals, thus inflicted on themselves marks which thereafter distinguished them as servants of their respective rulers. So, too, did the Lacedæmonians who, "when their king died, had a barbarous custom of meeting in vast numbers, where men, women, and slaves, all mixed together, tore the flesh from their foreheads with pins and needles . . . to gratify the ghosts of the dead." Such customs are likely sometimes to have further results. With the apotheosis of a notable king whose conquests gave him the character of founder of the nation, marks of this kind, borne not by his contemporary followers only but imposed by them on their children, may become national marks.

That the scars caused by blood-lettings at funerals are recognized as binding to the dead those who bear them, and do develop in the way alleged, we have good evidence. The command in Leviticus, "ye shall not make any cuttings in your flesh for the dead, nor print any marks upon you," shows us the usage in that stage at which the scar left by sacrifice of blood is still a sign partly of family subordination and partly of other subordination. And Scandinavian tra-

ditions show us a stage at which the scar betokens allegiance either to an unspecified supernatural being, or to a deceased ruler who has become a god. Odin, "when he was near his death, made himself be marked with the point of a spear;" and Niort "before he died made himself be marked for Odin with the spear-point."

It is probable that scars on the surface of the body, thus coming to express loyalty to a deceased father, or a deceased ruler, or a god derived from him, initiate among other disfigurements those we class as tattooing. Lacerations, and the traces they leave, are certain to take different forms in different places. The Andaman Islanders "tattoo by incising the skin . . . without inserting colouring matter, the cicatrix being whiter than the sound skin." Some natives of Australia have ridges raised on this or that part of the body; while others brand themselves. In Tanna the people make elevated scars on their arms and chests. And Burton, in his *Abeokuta*, says—"the skin patterns were of every variety, from the diminutive prick to the great gash and the large boil-like lumps . . . In this country every tribe, sub-tribe, and even family, has its blazon, whose infinite diversifications may be compared with the lines and ordinaries of European heraldry." Naturally, among the various skin-mutilations originating in the way alleged, many will, under the promptings of vanity, take on a character more or less ornamental; and the use of them for decoration will often survive when their meaning has been lost.

Hypothesis apart, we have proof that these marks are in many cases tribal marks; as they would of course become if they were originally made when men bound themselves by blood to the dead founder of the tribe. Among the Cuebas of Central America, "if the son of a chief declined to use the distinctive badge of his house, he could, when he became chief, choose any new device he might fancy;" but "a son who did not adopt his father's totem was always

hateful to him." And if refusal to adopt the family-mark where it is painted on the body, is thus regarded as a kind of disloyalty, equally will it be so when the mark is one that has arisen from modified lacerations; and such refusal will be tantamount to rebellion where the mark signifies descent from, and submission to, some great father of the race. Hence such facts as the following:—"All these In-" dians" says Cieza of the ancient Peruvians, "wear certain "marks by which they are known, and which were used by "their ancestors." "Both sexes of the Sandwich Islanders have a particular mark (tattooed) which seems to indicate the district in which, or the chief under whom, they lived."*

That a special form of tattooing becomes a tribal mark in the way suggested, we have, indeed, some direct evidence. Among the Sandwich Islanders, funeral rites at the death of a chief, such as knocking out teeth, cutting the ears, &c., one is tattooing a spot on the tongue. Here we see this mutilation becoming a sign of allegiance to a ruler who has died; and then, when the deceased ruler, unusually distinguished, is apotheosized, the tattoo mark becomes the sign of obedience to him as a deity. "With several Eastern nations," says Grimm, "it was a custom to mark oneself by a burnt or incised sign as adherent to a certain worship." It was thus with the Hebrews. Remembering that they were forbidden to mark themselves for the dead, we shall see the meaning of the passage in Deuteronomy—"They have corrupted themselves, the spot is not the spot of his children: they are a perverse and crooked generation." And that such contrasted spots were understood in

* While this chapter is standing in type, I have come upon a passage in Bancroft, concerning the Indians of the Isthmus of Darien fully verifying the general interpretation given. He says:—"Every principal man retained a number of prisoners as bondsmen; they . . . were branded or tattooed with the particular mark of the owner on the face or arm, or had one of their front teeth extracted."

later times to imply the service of different deities, is suggested by passages in Revelations, where an angel is described as ordering delay "till we have sealed the servants of our God in their foreheads," and where "an hundred and forty and four thousand, having his Father's name written in their foreheads," are described as standing on Mount Sion while an angel proclaims that, "If any man worship the beast and his image, and receive his mark in his forehead, or in his hand, the same shall drink of the wine of the wrath of God." Even now "this practice of marking religious tokens upon the hands and arms is almost universal among the Arabs, of all sects and classes." Moreover "Christians in some parts of the East, and European sailors, were long in the habit of marking, by means of punctures and a black dye, their arms and other members of the body with the sign of the crucifix, or the image of the Virgin; the Mahommedans mark them with the name of Allah." So that among advanced races, these skin-mutilations still have meanings like those given to them in ancient Mexico, where, when a child was dedicated to Quetzalcohuatl "the priest made a slight cut with a knife on its breast, as a sign that it belonged to the cult and service of the god," and like those now given to them in parts of Angola, where a child as soon as born is tattooed on the belly, in order thereby to dedicate it to a certain fetich.

A significant group of evidences remains. We have seen that where cropped hair implies servitude, long hair becomes an honourable distinction; and that, occasionally, in opposition to circumcision as associated with subjection, there is absence of it along with the highest power. Here we have a parallel antithesis. The great divine chief of the Tongans is unlike all other men in Tonga, not only as being uncircumcised, but also as being untattooed. Elsewhere whole classes are thus distinguished. Not, however, that such distinctions are at all regular: we here meet with anomalies. Though in some places showing social inferior-

ity, tattooing in other places is a trait of the superior. But the occurrence of anomalies is not surprising. During the perpetual overrunnings of race by race, it must sometimes have happened that an untattooed race having been conquered by one which practised tattooing, the presence of these markings became associated with social supremacy.

A further cause exists for this conflict of meanings. There remains to be named a species of skin-mutilation having another origin and different implication.

§ 365. Besides scars resulting from lacerations made in propitiating dead relatives, dead chiefs, and deities, there are scars resulting from wounds received in battle. All the world over, these are held in honour and displayed with pride. The sentiment associated with them among ourselves in past times, is indicated in Shakespeare by sundry references to "such as boasting shew their scars." Lafeu says—"a scar nobly got, or a noble scar, is a good livery of honour;" and Henry V. foretells of an old soldier that 'then will he strip his sleeve and shew his scars."

Animated as are savages in still higher degrees than civilized by the feelings thus indicated, what may be expected to result? Will not anxiety to get honour sometimes lead to the making of scars artificially? We have evidence that it does. A Bechuana priest makes a long cut in the skin from the thigh to the knee of each warrior who has slain a man in battle. The Bachapin Kaffirs have a kindred usage. Among the Damaras, "for every wild animal that a young man destroys, his father makes four small incisions on the front of the son's body as marks of honour and distinction." And then Tuckey, speaking of certain Congo people who make scars, says that this is "principally done with the idea of rendering themselves agreeable to the women:" a motive which is intelligible if such scars originally passed for scars got in war, and implying bravery. Again, we read that "the Itzaex Indians [in

Yucatan] have handsome faces, though some of them were marked with lines as a sign of courage." Facts furnished by other American tribes, suggest that the infliction of torture on reaching maturity, originated from the habit of making scars artificially in imitation of scars bequeathed by battle. If self-injury to avoid service in war has been not infrequent among the cowardly, we may infer that among the courageous who had received no wounds, self-injury might be not infrequent, where there was gained by it that character desired above everything. The reputation achieved might make the practice, at first secret and exceptional, gradually more common and at length general; until, finally, public opinion, vented against those who did not follow it, made the usage peremptory. And on reading that among the Abipones, " boys of seven years old pierce their little arms in imitation of their parents, and display plenty of wounds," we are shown the rise of a feeling, and a consequent practice, which, growing, may end in a system of initiatory tortures at manhood. Though when the scars, being borne by all, are no longer distinctive, discipline in endurance comes to be the reason given for inflicting them, this cannot have been the original reason. Primitive men, improvident in all ways, never devised and instituted a usage with a view to a foreseen distant benefit: they do not make laws, they fall into customs.

Here, then, we find an additional reason why markings on the skin, though generally badges of subordination, become in some cases honourable distinctions and occasionally signs of rank.

§ 366. Something must be added concerning a secondary motive for mutilating prisoners and slaves, parallel to, or sequent upon, a secondary motive for taking trophies.

In the last chapter we inferred that, prompted by his belief that the spirit pervades the corpse, the savage preserves relics of dead enemies partly in the expectation that

he will be enabled thereby to coerce their ghosts—if not himself, still by the help of the medicine-man. He has a parallel reason for preserving a part cut from one whom he has enslaved: both he and the slave think that he so obtains a power to inflict injury. Remembering that the sorcerer's first step is to procure some hair or nail-parings of his victim, or else some piece of his dress pervaded by that odour which is identified with his spirit; it appears to be a necessary corollary that the master who keeps by him a slave's tooth, a joint from his little finger, or even a lock of his hair, thereby retains a power of delivering him over to the sorcerer, who may bring on him one or other fearful evil—torture by demons, disease, death.

The subjugated man is consequently made obedient by a dread akin to that which Caliban expresses of Prospero's magically-inflicted torments.

§ 367. The evidence that mutilation of the living has been a sequence of trophy-taking from the slain, is thus abundant and varied. Taking the trophy implies victory carried to the death; and the derived practice of cutting off a part from a prisoner implies subjugation of him. Eventually the voluntary surrender of such a part expresses submission; and becomes a propitiatory ceremony because it does this.

Hands are cut off from dead enemies; and, answering to this, besides some identical mutilations of criminals, we have the cutting off of fingers or portions of fingers, to pacify living chiefs, deceased persons, and gods. Noses are among the trophies taken from slain foes; and we have loss of noses inflicted on captives, on slaves, on transgressors of certain kinds. Ears are brought back from the battle-field; and occasionally they are cut off from prisoners, felons, or slaves; while there are peoples among whom pierced ears mark the servant or the subject. Jaws and teeth, too, are trophies; and teeth, in some cases knocked out in

propitiation of a dead chief, are, in various other cases, knocked out by a priest as a quasi-religious ceremony. Scalps are taken from killed enemies, and sometimes their hair is used to decorate a victor's dress; and then come various sequences. Here the enslaved have their heads cropped; here scalp-locks are worn subject to a chief's ownership, and occasionally demanded in sign of submission; while, elsewhere, men sacrifice their beards to their rulers: unshorn hair being thus rendered a mark of rank. Among numerous peoples, hair is sacrificed to propitiate the ghosts of relatives; whole tribes cut it off on the deaths of their chiefs or kings; and it is yielded up to express subjection to deities. Occasionally it is offered to a living superior in token of respect; and this complimentary offering is extended to others. Similarly with genital mutilations: there is a like taking of certain parts from slain enemies and from living prisoners; and there is a presentation of them to kings and to gods. Self-bleeding, initiated partly, perhaps, by cannibalism, but more extensively by the mutual giving of blood in pledge of loyalty, enters into several ceremonies expressing subordination: we find it occurring in propitiation of ghosts and of gods, and occasionally as a compliment to living persons. Naturally it is the same with the resulting marks. Originally indefinite in form and place but rendered definite by custom, and at length often decorative, these healed wounds, at first entailed only on relatives of deceased persons, then on all of the followers of a man much feared while alive, so become marks expressive of subjection to a dead ruler, and eventually to a god: growing thus into tribal and national marks.

If, as we have seen, trophy-taking as a sequence of conquest enters as a factor into those governmental restraints which conquest initiates, it is to be inferred that the mutilations originated by trophy-taking will do the like. The evidence justifies this inference. Beginning as marks of

personal slavery and becoming marks of political and religious subordination, they play a part like that of oaths of fealty and pious self-dedications. Moreover, being acknowledgments of submission to a ruler, visible or invisible, they enforce authority by making conspicuous the extent of his sway. And where they signify class-subjection, as well as where they show the subjugation of criminals, they further strengthen the regulative agency.

If mutilations originate as alleged, some connexion must exist between the extent to which they are carried and the social type. On grouping the facts as presented by fifty-two peoples, the connexion emerges with as much clearness as can be expected. In the first place, since mutilation originates with conquest and resulting aggregation, it is inferable that simple societies, however savage, will be less characterized by it than the larger savage societies compounded out of such, and less than even semi-civilized societies. This proves to be true. Of peoples who form simple societies that practice mutilation either not at all or in slight forms, I find eleven—Fuegians, Veddahs, Andamanese, Dyaks, Todas, Gonds, Santals, Bodo and Dhimals, Mishmis, Kamstchadales, Snake Indians; and these are characterized throughout either by absence of chieftainship, or by chieftainship of an unsettled kind. Meanwhile, of peoples who mutilate little or not at all, I find but two in the class of uncivilized compound societies; of which one, the Kirghiz, is characterized by a wandering life that makes subordination difficult; and the other, the Iroquois, had a republican form of government. Of societies practising mutilations that are moderate, the simple bear a decreased ratio to the compound: of the one class there are ten—Tasmanians, Tannese, New Guinea people, Karens, Nagas, Ostyaks, Esquimaux, Chinooks, Comanches, Chippewayans; while of the other class there are five—New Zealanders, East Africans, Khonds, Kukis, Kalmucks. And of these it is to be remarked, that in the one class the

simple headship, and in the other class the compound headship, is unstable. On coming to the societies distinguished by severer mutilations, we find these relations reversed. Among the simple I can name but three—the New Caledonians (among whom, however, the severer mutilation is not general), the Bushmen (who are believed to have lapsed from a higher social state), and the Australians (who have, I believe, similarly lapsed); while, among the compound, twenty-one may be named—Fijians, Sandwich Islanders, Tahitians, Tongans, Samoans, Javans, Sumatrans, Malagasy, Hottentots, Damaras, Bechuanas, Kaffirs, Congo people, Coast Negroes, Inland Negroes, Dahomans, Ashantees, Fulahs, Abyssinians, Arabs, Dacotahs. In the second place, social consolidation being habitually effected by conquest, and compound and doubly-compound societies being therefore, during early stages, militant in their activities and types of structure, it follows that the connexion of the custom of mutilation with the size of the society is indirect, while that with its type is direct. And this the facts show us. If we put side by side those societies which are most unlike in respect of the practice of mutilation, we find them to be those which are most unlike as being wholly unmilitant in organization, and wholly militant in organization. At the one extreme we have the Veddas, Todas, Bodo and Dhimals; while, at the other extreme, we have the Fijians, Abyssinians, and ancient Mexicans.

Derived from trophy-taking, and developing with the development of the militant type, mutilations must, by implication, decrease as fast as the societies consolidated by militancy become less militant, and must disappear as the industrial type of structure evolves. That they do so, European history at large may be assigned in proof. And it is significant that in our own society, now predominantly industrial, such slight mutilations as continue are connected with that regulative part of the organization which militancy has bequeathed: there survive only the now-

meaningless tattooings of sailors, the branding of deserters (until recently), and the cropping of the heads of felons.

NOTE TO CHAPTER III.

At the Royal Institution, in April, 1882, Dr. E. B. Tylor delivered a lecture on "The Study of Customs" (afterwards published in *Macmillan's Magazine* for May, 1882), which was primarily an attack on this work.

One of the objections he made concerns the interpretation of scars and tatooings as having originated in offerings of blood to the dead; and as becoming, by consequence, marks of subordination to them, and afterwards of other subordination. He says:—

"Now the question here is not to determine whether all this is imaginable or possible, but what the evidence is of its having actually happened. The Levitical law is quoted, 'Ye shall not make any cuttings in your flesh for the dead, nor print any marks upon you.' This Mr. Spencer takes as good evidence that the cutting of the flesh at the funeral develops into a mark of subjection."

But Dr. Tylor ignores the fact that I have referred to the Huns, the Turks, the Lacedæmonians, as following customs such as Leviticus interdicts (besides eight cases of like lacerations, leaving marks, in § 89). Nor does he hint that there are uncited cases of like meaning: instance the ancient Scythians, among whom, according to Herodotus (iv. 71), each man in presence of a king's corpse, "makes a cut all round his arm, lacerates his forehead and his nose, and thrusts an arrow through his left hand;" or instance some modern Australians, who, says Grey, on the authority of Bussel, "placed the corpse beside the grave and gashed their thighs, and at the flowing of the blood they all said—'I have brought blood'" (p. 332). Not only does Dr. Tylor lead readers to suppose that the evidence I have taken from Leviticus is unsupported by like evidence elsewhere derived, but he passes over the fact that this form of bodily mutilation is associated by me with other forms, similarly originating and having similar sequences. He omits to say that I have named four peoples among whom amputated fingers are offered in propitiation of the dead; two among whom they are given in propitiation of a god; and one—the ferocious Fijians—among whom living persons also are propitiated by sacrificed fingers; and that I have joined this last with the usage of the Canaanites, among whom amputated thumbs and toes marked conquered men, and hence became signs of subordination. He did not tell his hearers that, as mutilations entailed by trophy-taking, I have named the losses of hands, feet, parts of the ears and nose, and parts of the genital organs; and have shown that habitually, the resulting marks have come to signify subjection to powerful persons, living or dead. Concerning all this direct and indirect support of my inference he is silent; and he thus produces the suppression that it is almost baseless. Moreover, in contesting the conclusion that tatooing was derived from lacerations at funerals, he leaves it to be supposed that this is a mere guess: saying nothing of my quotation from Burton to the effect that these skin-mutilations

show all gradations from large gashes to diminutive pricks, and saying nothing of the instances I have given in which a tatoo-mark signifies subjection to a ruler, human or divine. And then, after asserting that of "cogent proof there is simply none," he inadvertently furnishes a proof of considerable cogency—the fact that by lines of tatooing joined to it, the D branded on deserters was often changed by them into the handle of a sword: a decorative skin-mark was derived from a skin mark that was not decorative.

My inference that the cropping of the hair of felons is a survival, is supported by more evidence than that given in the text. Dr. Tylor, however, prefers to regard it as an entirely modern regulation to insure cleanliness: ignoring the truth, illustrated by himself, that usages often survive after their original purpose has been forgotten, and are then misinterpreted.

The remaining three errors alleged (which are all incidental, and, if substantiated, would leave the main propositions unshaken) concern chapters that follow. One only of them is, I think, established. Good reason is given for dissenting from my interpretation of the colours used in different countries for mourning (an interpretation not embodied in the argument of Chapter VI, but merely appended as a note, which, in this edition, I have changed). The other two, concerning the wearing of two swords by upper-class Japanese, and the origin of shaking hands, I leave standing as they did; partly because I see further reasons for thinking them true, and partly because Dr. Tylor's explanations fail to account for the *origin* of the one as a mark of rank, and of the other as a mark of friendship.

Dr. Tylor's avowed purpose is to show that my method "vitiates the whole argument:" having previously asserted that my method is to extract "from laws of nature the reasons how and why men do all things." It is amusing to place by the side of this the assertion of *The Times*' reviewer (March 11th, 1880), who says that my method is "to state the facts as simply as possible, with just a word or two on their mutual bearings and their place in his [my] 'system;'" and who hints that I have not sufficiently connected the facts with "principles"! The one says I proceed exclusively by deduction; the other says that I proceed almost exclusively by induction! But the reader needs not depend on authority: the evidence is before him. In it he will, I think, fail to recognize the truth of Dr. Tylor's statement; and, having thus tested one of his statements, will see that others of his statements are not to be taken as valid simply because I do not occupy time and space in contesting them.

CHAPTER IV.

PRESENTS.

§ 368. Travellers, coming in contact with strange peoples, habitually propitiate them by gifts. Two results are achieved. Gratification caused by the worth of the thing given, tends to beget a friendly mood in the person approached; and there is a tacit expression of the donor's desire to please, which has a like effect. It is from the last of these that gift-making as a ceremony proceeds.

The alliance between mutilations and presents—between offering a part of the body and offering something else—is well shown by a statement respecting the ancient Peruvians; which also shows how present-making becomes a propitiatory act, apart from the value of the thing presented. Describing people who carry burdens over the high passes, Garcilasso says they unload themselves on the top, and then severally say to the god Pachacamac,—

"'I give thanks that this has been carried,' and in making an offering they pulled a hair out of their eyebrows, or took the herb called *cuca* from their mouths, as a gift of the most precious things they had. Or if there was nothing better, they offered a small stick or piece of straw, or even a piece of stone or earth. There were great heaps of these offerings at the summits of passes over the mountains."

Though, coming in this unfamiliar form, these offerings of parts of themselves, or of things they prized, or of worthless things, seems strange, they will seem less strange on remembering that at the foot of a wayside crucifix in France, may

any day be seen a heap of small crosses, severally made of two bits of lath nailed together. Intrinsically of no more value than these straws, sticks, and stones the Peruvians offered, they similarly force on our attention the truth that the act of presentation passes into a ceremony expressing the wish to conciliate. How natural is this substitution of a nominal giving for a real giving, where a real giving is impracticable, we are shown even by intelligent animals. A retriever, accustomed to please his master by fetching killed birds, &c., will fall into the habit at other times of fetching things to show his desire to please. On first seeing in the morning some one he is friendly with, he will add to his demonstratioins of joy, the seeking and bringing in his mouth a dead leaf, a twig, or any small available object lying near. And, while serving to show the natural genesis of this propitiatory ceremony, his behaviour serves also to show how deep down there begins the process of symbolization; and how, at the outset, the symbolic act is as near a repetition of the act symbolized as circumstances allow.

Prepared as we thus are to trace the development of gift-making into a ceremony, let us now observe its several varieties, and the social arrangements eventually derived from them.

§ 369. In headless tribes, and in tribes of which the headship is unsettled, and in tribes of which the headship though settled is feeble, making presents does not become an established usage. Australians, Tasmanians, Fuegians are instances; and on reading through accounts of wild American races that are little organized, like the Esquimaux, Chinooks, Snakes, Comanches, Chippewas, or are organized in a democratic manner, like the Iroquois and the Creeks, we find, along with absence of strong personal rule, scarcely any mention of gift-making as a political observance.

In apt contrast come accounts of usages among those

American races which in past times reached, under despotic governments, considerable degrees of civilization. Torquemada writes that in Mexico, "when any one goes to salute the lord or king, he takes with him flowers and gifts." Of the Chibchas we read that "when they brought a present in order to negotiate or speak with the cazique (for no one went to visit him without bringing a gift), they entered with the head and body bent downwards." Among the Yucatanese, "when there was hunting or fishing or salt-carrying, they always gave a part to the lord." Peoples of other types, as the Malayo-Polynesians, living in kindred stages of social progress under the undisputed sway of chiefs, exemplify this same custom. Speaking of things bartered to the Tahitian populace for food, native cloth, &c., Forster says—"However, we found that after some time all this acquired wealth flowed as presents, or voluntary acknowledgments, into the treasure of the various chiefs." In Fiji, again, "whoever asks a favour of a chief, or seeks civil intercourse with him, is expected to bring a present."

These last cases show us how making presents passes from a voluntary propitiation into a compulsory propitiation; for on reading that "the Tahitian chiefs plundered the plantations of their subjects at will," and that in Fiji, "chiefs take the property and persons of others by force;" it becomes manifest that present-making develops into the giving of a part to prevent loss of the whole. It is the policy at once to satisfy cupidity and to express submission. "The Malagasy, slaves as well as others, occasionally make presents of provisions to their chiefs, as an acknowledgment of homage." And it is inferable that in proportion to the power of chiefs, will be the anxiety to please them; both by forestalling their greedy desires and by displaying loyalty.

In few if any cases, however, does the carrying of gifts to a chief become so developed a usage in a simple tribe. At first the head man, not much differentiated from the rest,

fails to impress them with a fear great enough to make present-giving an habitual ceremony. It is only in a compound society, resulting from the over-running of many tribes by a conquering tribe, that there comes a governing class, formed of head-chief and sub-chiefs, sufficiently distinguished from the rest, and sufficiently powerful to inspire the required awe. The above examples are all taken from societies in which kingship has been reached.

§ 370. A more extended form is simultaneously assumed by this ceremony. For where along with subordinate rulers there exists a chief ruler, he has to be propitiated alike by the people at large and by the subordinate rulers. We must here observe the growth of both kinds of gift-making that hence arise.

A place in which the usage has retained its primitive character is Timbuctoo. Here "the king does not levy any tribute on his subjects or on foreign merchants, but he receives presents." But Caillié adds—"There is no regular government. The king is like a father ruling his children." When disputes arise, he "assembles a council of the elders." That is to say, present-giving remains voluntary where the kingly power is not great. Among the Kaffirs, we see gifts losing their voluntary character. "The revenue of the king consists of an annual contribution of cattle, first-fruits," &c.; and "when a Koossa [Kaffir] opens his granary he must send a little of the grain to his neighbours, and a larger portion to the king." In Abyssinia there is a like mixture of exactions and spontaneous gifts: besides settled contributions, the prince of Tigré receives annual presents. Evidently when presents that have become customary have ceased in so far to be propitiatory, there is a tendency to make other presents that are propitiatory because unexpected.

If an offering made by a private person implies submission, still more does an offering made by a subordinate ruler

to a supreme ruler. Hence the making of presents grows into a formal recognition of supremacy. In ancient Vera Pas, "as soon as some one was elected king . . . all the lords of the tribes appeared or sent relations of theirs . . . with presents." Among the Chibchas, when a new king came to the throne, "the chief men then took an oath that they would be obedient and loyal vassals, and as a proof of their loyalty each one gave him a jewel and a number of rabbits, &c." Of the Mexicans, Toribio says—"Each year, at certain festivals, those Indians who did not pay taxes, even the chiefs . . . made gifts to the sovereigns . . . in token of their submission." And so in Peru, "no one approached Atahuallpa without bringing a present in token of submission." This significance of gift-making is shown in the records of the Hebrews. In proof of Solomon's supremacy it is said that "all the kings of the earth sought the presence of Solomon . . . and they brought every man his present . . . a rate year by year." Conversely, when Saul was chosen king "the children of Belial said, How shall this man save us? And they despised him, and brought him no presents." Throughout the remote East the bringing of presents to the chief ruler has still the same meaning. I have before me illustrative facts from Japan, from China, from Burmah.

Nor does early European history fail to exemplify present-giving and its implications. During the Merovingian period "on a fixed day, once a-year, in the field of March, according to ancient custom, gifts were offered to the kings by the people;" and this custom continued into the Carolingian period. Such gifts were made alike by individuals and communities. From the time of Gontram, who was overwhelmed with gifts by the inhabitants of Orleans on his entry, it long continued the habit with towns thus to seek the goodwill of monarchs who visited them. In ancient England, too, when the monarchs visited a town, present-making entailed so heavy a loss that in some cases "the passing

of the royal family and court was viewed as a great misfortune."

§ 371. Grouped as above, the evidence implies that from propitiatory presents, voluntary and exceptional to begin with but becoming as political power strengthens less voluntary and more general, there eventually grow up universal and involuntary contributions—established tribute; and that with the rise of a currency this passes into taxation. How this transformation takes place, is well shown in Persia. Speaking of the "irregular and oppressive taxes to which they [the Persians] are continually exposed," Malcolm says—"The first of these extra taxes may be termed usual and extraordinary presents. The usual presents to the king are those made annually by all governors of provinces and districts, chiefs of tribes, ministers, and all other officers in high charge, at the feast of Nourouze, or vernal equinox. . . . The amount presented on this occasion is generally regulated by usage; to fall short is loss of office, and to exceed is increase of favour."

The passing of present-making into payment of tribute as it becomes periodic, is clearly exemplified in some comparatively small societies where governmntal power is well established. In Tonga "the higher class of chiefs generally make a present to the king, of hogs and yams, about once a fortnight: these chiefs at the same time receive presents from those below them, and these last from others, and so on, down to the common people." Ancient Mexico, formed of provinces dependent in various degrees, exhibited several stages of the transition. "The provinces . . . made these contributions . . . since they were conquered, that the gallant Mexicans might . . . cease to destroy them:" clearly showing that the presents were at first propitiatory. Again, "in Meztitlan the tribute was not paid at fixed times . . . but when the lord wanted it." Then of the tributes throughout the country of Montezuma, we are

told that "some of these were paid annually, others every six months, and others every eighty days." And further of the gifts made at festivals by some "in token of their submission," Toribio says—"In this way it seems manifest that the chiefs, the merchants, and the landed proprietors, were not obliged to pay taxes, but did so voluntarily."

A like transition is traceable in early European history. Among the sources of revenue of the Merovingian kings, Waitz enumerates the freewill gifts of the people on various occasions, besides the yearly presents made originally at the March gatherings. And then, speaking of these yearly presents in the Carolingian period, the same writer says they had long lost their voluntary character, and are even described as a tax by Hincmar. They included horses, gold, silver, and jewels, and (from nunneries) garments, and requisitions for the royal palaces; and he adds that these dues, or *tributa*, were all of a more or less private character: though compulsory they had not yet become taxes in the literal sense. So, too, with the things presented to minor rulers by their feudal dependants. "The *dona*, after having been, as the name sufficiently indicates, voluntary gifts, were in the twelfth century become territorial dues received by the lords."

In proportion as values became more definite and payments in coin easier, commutation resulted. Instance, in the Carolingian period, "the so-called *inferenda*—a due originally paid in cattle, now in money;" instance the *oublies*, consisting of bread "presented on certain days by vassals to their lords," which "were often replaced by a small annual due in money;" instance, in our own history, the giving of money instead of goods by towns to a king and his suite making a progress through them. The evidence may fitly be closed with the following passage from Stubbs:—

"The ordinary revenue of the English king had been derived solely from the royal estates and the produce of what had been the

folkland, with such commuted payments of feormfultum, or provision in kind, as represented either the reserved rents from ancient possessions of the crown, or the quasi-voluntary tribute paid by the nation to its chosen head."

In which passage are simultaneously implied the transition from voluntary gifts to involuntary tribute, and the commutation of tribute into taxes.

§ 372. If voluntary gifts to the supreme man by-and-by become tribute, and eventually form a settled revenue, may we not expect that gifts made to his subordinates, when their aid is wished, will similarly become customary, and at length yield them maintenance? Will not the process above indicated in relation to the major State-functionary, repeat itself with the minor State-functionaries? We find that it does so.

First it is to be noted that, besides ordinary presents, the ruling man in early stages commonly has special presents made to him when called on to use his power in aid of an aggrieved subject. Among the Chibchas, "no one could appear in the presence of a king, cazique, or superior, without bringing a gift, which was to be delivered before the petition was made." In Sumatra, a chief "levies no taxes, nor has any revenue, . . . or other emolument from his subjects, than what accrues to him from the determination of causes." Of Gulab Singh, a late ruler of Jummoo, Mr. Drew says—"With the customary offering of a rupee as *nazar* [present] any one could get his ear; even in a crowd one could catch his eye by holding up a rupee and crying out. . . . 'Maharajah, a petition.' He would pounce down like a hawk on the money, and, having appropriated it, would patiently hear out the petitioner." There is evidence that among ourselves in ancient days a kindred usage existed. "We may readily believe," says Broom, referring to a statement of Lingard, "that few princes in those [Anglo-Saxon] days, declined to exercise

judicial functions when solicited by favourites, tempted by bribery, or stimulated by cupidity and avarice." And on reading that in early Norman times "the first step in the process of obtaining redress was to sue out, or purchase, by paying the stated fees," the king's original writ, requiring the defendant to appear before him, we may suspect that the amount paid for this document represented what had originally been the present to the king for giving his judicial aid. There is support for this inference. Blackstone says:—"Now, indeed, even the royal writs are held to be demandable of common right, on paying the usual fees:" implying a preceding time in which the granting of them was a matter of royal favour obtained by propitiation.

Naturally, then, when judicial and other functions come to be deputed, gifts will similarly be made to obtain the services of the functionaries; and these, originally voluntary, will become compulsory. Ancient records yield evidence. Amos ii. 6, implies that judges received presents; as are said to do the Turkish magistrates in the same regions down to our day; and on finding that habitually among the Kirghis, "the judge takes presents from both sides," we see that the assumption of the prophet, and of the modern observer, that this usage arose by a corruption, adds one to those many cases in which survival of a lower state is mistaken for degradation of a higher. In France, the king in 1256 imposed on his judicial officials, "high and subalterns, an oath to make or receive no present, to administer justice without regard to persons." Nevertheless gifts continued. Judges received "spices" as a mark of gratitude from those who had won a cause. By 1369, if not before, these were converted into money; and in 1402 they were recognized as dues. In our own history the case of Bacon exemplifies not a special and late practice, but an old and usual one. Local records show the habitual making of gifts to officers of justice and their attendants; and "no approach to a great man, a magistrate, or courtier, was ever made

without the oriental accompaniment—a gift." "Damage cleer," a gratuity to prothonotaries, had become in the seventeenth century, a fixed assessment. That the presents to State-functionaries formed, in some cases, their entire revenues, is inferable from the fact that in the twelfth century the great offices of the royal household were bought: the value of the presents received was great enough to make the places worth buying. Good evidence comes from Russia. Karamsin "repeats the observations of the travellers who visited Muscovy in the sixteenth century:—'Is it surprising,' says these strangers, 'that the Grand Prince is rich? He neither gives money to his troops nor his ambassadors; he even takes from these last all the costly things they bring back from foreign lands. . . . Nevertheless these men do not complain.'" Whence we must infer that, lacking payments from above, they lived on gifts from below. Whence, further, it becomes manifest that what we call the bribes, which the miserably-salaried officials in Russia now require before performing their duties, represent the presents which formed their sole maintenance in times when they had no salaries. And the like may be inferred respecting Spain, of which Rose says:—"From judge down to constable, bribery and corruption prevail. . . . There is this excuse, however, for the poor Spanish official. His government gives him no remuneration, and expects everything of him."

So natural has habit now made to us the payment of fixed sums for specified services, that we assume this relation to have existed from the beginning. But when we read how, in slightly-organized societies, such as that of the Bechuanas, the chiefs allow their attendants "a scanty portion of food or milk, and leave them to make up the deficiency by hunting or by digging up wild roots;" and how, in societies considerably more advanced, as Dahomey, "no officer under government is paid;" we are shown that originally the subordinates of the chief man, not officially

supported, have to support themselves. And as their positions enable them to injure or to benefit subject persons —as, indeed, it is often only by their aid that the chief man can be invoked; there arises the same motive to propitiate them by presents that there does to propitiate by presents the chief man himself. Whence the parallel growth of an income. Here, from the East, is an illustration come upon since the foregoing sentences were first published:—"None of these [servants or slaves] receive any wages, but the master presents each with a suit of clothes at the great yearly festival, and gifts are also bestowed upon them, mostly in money (bakshish), from such visitors as have business with their master, and desire a good word spoken to him at the opportune moment."

§ 373. Since, at first, the double of the dead man, like him in all other respects, is conceived as being no less liable to pain, cold, hunger, thirst; he is supposed to be similarly propitiated by providing for him food, drink, clothing, &c. At the outset, then, presents to the dead differ from presents to the living neither in meaning nor motive.

Lower forms of society all over the world furnish proofs. Food and drink are left with the unburied corpse by Papuans, Tahitians, Sandwich Islanders, Malanans, Badagas, Karens, ancient Peruvians, Brazilians, &c. Food and drink are afterward carried to the grave in Africa by the Sherbro people, the Loango people, the inland Negroes, the Dahomans, and others; throughout the Indian hills by Bhils, Santals, Kukis; in America by Caribs, Chibchas, Mexicans; and the like usage was general among ancient races in the East. Clothes are periodically taken as presents to the dead by the Esquimaux. In Patagonia they annually open the sepulchral chambers and re-clothe the dead; as did, too, the ancient Peruvians. When a potentate dies among the Congo people, the quantity of clothes given from time to time is so great "that the first hut in which the body

is deposited becoming too small, a second, a third, even to a sixth, increasing in dimensions, is placed over it." And, occasionally, the gifts made by subordinate rulers to the ghost of a supreme dead ruler, simulate the tribute paid to him when living. Concerning a royal funeral in Tonquin, Tavernier writes:—

"There proceeds afterwards Six Princesses who carry Meat and Drink for the deceased King. . . . Four Governours of the four chief provinces of the Kingdom, each bearing a stick on his shoulder, on which hangs a bag full of Gold and several Perfumes, and these bags contain the Presents which the several Provinces make unto the deceased King, for to be buried with his corps, that he may make use of the same in the other World."

Nor can there be any doubt about the likeness of intention. When we read that a chief among the New Caledonians says to the ghost of his ancestor—"Compassionate father, here is some food for you; eat it; be kind to us on account of it;" or when the Veddah, calling by name a deceased relative, says—"Come and partake of this. Give us maintenance, as you did when living;" we see it to be undeniable that present-giving to the dead is like present-giving to the living, with the difference that the receiver is invisible.

Noting only that there is a like motive for a like propitiation of the undistinguished supernatural beings which primitive men suppose to be all around them—noting that whether it be in the fragments of bread and cake left for elves by our Scandinavian ancestors, or in the eatables which Dyaks place on the tops of their houses to feed the spirits, or in the portions of food cast aside and of drink poured out for the ghosts before beginning their meals, by various races throughout the world; let us go on to observe the developed present-making to the developed supernatural being. The things given and the motives for giving them remain the same; though the sameness is disguised by the use of different words—oblations to a deity and presents to a living person. The original identity is well shown in the

statement concerning the Greeks—"Gifts, as an old proverb says, determine the acts of gods and kings;" and it is equally well shown by a verse in the Psalms (lxxvi. 11)—"Vow, and pay unto the Lord your God: let all that be round about him bring presents unto him that ought to be feared." Observe the parallelism in detail.

Food and drink, which constitute the earliest kind of propitiatory gift to a living person, and also the earliest kind of propitiatory gift to a ghost, remain everywhere the essential components of an oblation to a deity. As, where political power is evolving, the presents sent to the chief at first consist mainly of sustenance; so, where ancestor-worship, developing, has expanded a ghost into a god, the offerings have as elements common to them in all places and times, things serving for nutrition. That this is so in low societies no proof is needed; and that it is so in higher societies is also a conspicuous fact; though a fact ignored where its significance is most worthy to be remarked. If a Zulu slays an ox to secure the goodwill of his dead relative's ghost, who complains to him in a dream that he has not been fed—if among the Zulus this private act develops into a public act when a bullock is periodically killed as "a propitiatory Offering to the Spirit of the King's immediate Ancestor;" we may, without impropriety, ask whether there do not thus arise such acts as those of an Egyptian king, who by hecatombs of oxen hopes to please the ghost of his deified father; but it is not supposable that there was any kindred origin for the sacrifices of cattle to Jahveh, concerning which such elaborate directions are given in Leviticus. When we read that among the Greeks "it was customary to pay the same offices to the gods which men stand in need of: the temples were their houses, sacrifices their food, altars their tables;" it is permissible to observe the analogy between these presents of eatables made to gods, and the presents of eatables made at graves to the dead, as being both derived from similar presents made to the

living; but that the presentation of meat, bread, fruits, and liquors to Jahveh had a kindred derivation, is a thought not to be entertained—not even though we have a complete parallel between the cakes which Abraham bakes to refresh the Lord when he comes to visit him in his tent on the plains of Mamre, and the shew-bread kept on the altar and from time to time replaced by other bread fresh and hot (1 Sam. xxi, 6). Here, however, recognizing these parallelisms, it may be added that though in later Hebrew times the original and gross interpretation of sacrifices became obscured, and though the primitive theory has since undergone gradual dissipation, yet the form survives. The offertory of our Church still retains the words—"accept our alms and oblations;" and at her coronation, Queen Victoria offered on the altar, by the hands of the archbishop, "an altar-cloth of gold and an ingot of gold," a sword, then "bread and wine for the communion," then "a purse of gold," followed by a prayer "to receive these oblations."

Evidence from all parts of the world thus proves that oblations are at first literally presents. Animals are given to kings, slain on graves, sacrificed in temples; cooked food is furnished to chiefs, laid on tombs, placed on altars; first-fruits are presented to living rulers, to dead rulers, to gods; here beer, here wine, here *chica*, is sent to a potentate, offered to a ghost, and poured out as libation to a deity; incense, burnt before ancient kings, and in some places burnt before distinguished persons, is burnt before gods in various places; and besides such consumable things, valuables of every kind, given to secure goodwill, are accumulated in royal treasuries and in sacred temples.

There is one further remark of moment. We saw that the present to the visible ruler was at first propitiatory because of its intrinsic worth, but came afterwards to have an extrinsic propitiatory effect as implying loyalty. Similarly, the presents to the invisible ruler, primarily considered as directly useful, secondarily come to signify obedience; and

their secondary meaning gives that ceremonial character to sacrifice which still survives.

§ 374. And now we come upon a remarkable sequence. As the present to the ruler eventually develops into political revenue, so the present to the god eventually develops into ecclesiastical revenue.

Let us set out with that earliest stage in which no ecclesiastical organization exists. At this stage the present to the supernatural being is often shared between him and those who worship him. While the supernatural being is propitiated by the gift of food, there is, by eating together, established between him and his propitiators a bond of union: implying protection on the one side and allegiance on the other. The primitive notion that the nature of a thing, inhering in all its parts, is acquired by those who consume it, and that therefore those who consume two parts of one thing, acquire from it some nature in common—that same notion which initiates the practice of forming a brotherhood by partaking of one another's blood, which instigates the funeral rite of blood-offering, and which gives strength to the claims established by joining in the same meal, originates this prevalent usage of eating part of that which is presented to the ghost or to the god. In some places the people at large participate in the offering; in some places the medicine-men or priests only; and in some places the last practice is habitual while the first is occasional, as in ancient Mexico, where communicants "who had partaken of the sacred food were engaged to serve the god during the subsequent year."

Here the fact which concerns us is that from the presents thus used, there arises a maintenance for the sacerdotal class. Among the Kukis the priest, to pacify the angry deity who has made some one ill, takes, it may be a fowl, which he says the god requires, and pouring its blood as an offering on the ground while muttering praises, "then

deliberately sits down, roasts and eats the fowl, throws the refuse into the jungle and returns home." The Battas of Sumatra sacrifice to their gods, horses, buffaloes, goats, dogs, fowls, "or whatever animal the wizard happens on that day to be most inclined to eat." And by the Bustar tribes in India, Kodo Pen "is worshipped at a small heap of stones by every new-comer, through the oldest resident, with fowls, eggs, grains, and a few copper coins, which become the property of the officiating priest." Africa has more developed societies which show us a kindred arrangement. In Dahomey, "those who have the 'cure of souls' receive no regular pay, but live well upon the benevolences of votaries:" in their temples, "small offerings are daily given by devotees, and removed by the priests." Similarly in Ashantee, "the revenue of the fetishmen is derived from the liberality of the people. A moiety of the offerings which are presented to the fetish belongs to the priests." It is the same in Polynesia. Describing the Tahitian doctor as almost invariably a priest, Ellis states that he received a fee, part of which was supposed to belong to the gods, before commencing operations. So, too, was it in the ancient states of Central America. A cross-examination narrated by Oviedo, contains the passage:—

"*Fr.* Do you offer anything else in your temples?

"*Ind.* Every one brings from his house what he wishes to offer—as fowls, fish, or maize, or other things—and the boys take it and put it inside the temple.

"*Fr.* Who eats the things thus offered?

"*Ind.* The father of the temple eats them, and what remains is eaten by the boys."

And then in Peru, where worship of the dead was a main occupation of the living, the accumulated gifts to ghosts and gods had resulted in sacred estates, numerous and rich, out of which the priests of all kinds were maintained. A parallel genesis is shown us by ancient historic peoples. Among the Greeks "the remains of the sacrifice are the

priests' fees," and "all that served the gods were maintained by the sacrifices and other holy offerings." Nor was it otherwise with the Hebrews. In Leviticus ii. 10, we read —"And that which is left of the meat offering shall be Aaron's and his sons'" (the appointed priests); while other passages entitle the priest to the skin of the offering, and to the whole of the baked and fried offering. Neither does the history of early Christianity fail to exhibit the like development. "In the first ages of the Church, those *deposita pietatis* which are mentioned by Tertullian were all voluntary oblations." Afterwards "a more fixed maintenance was necessary for the clergy; but still oblations were made by the people. . . . These oblations [defined as 'whatever religious Christians offered to God and the Church'], which were at first voluntary, became afterwards, by continual payment, due by custom." In mediæval times a further stage in the transition is shown us:— "Besides what was necessary for the communion of priests and laymen, and that which was intended for eulogies, it was at first the usage to offer all sorts of presents, which at a later date were taken to the bishop's house and ceased to be brought to the church." And then by continuation and enlargement of such donations, growing into bequests, nominally to God and practically to the Church, there grew up ecclesiastical revenues.

§ 375. The foregoing statements represent all presents as made by inferiors to propitiate superiors; ignoring the presents made by superiors to inferiors. The contrast between the two in meaning, is well recognized where present-making is much elaborated, as in China. "At or after the customary visits between superiors and inferiors, an interchange of presents takes place; but those from the former are bestowed as *donations*, while the latter are received as *offerings*: these being the Chinese terms for such presents as pass between the emperor and foreign

princes." Concerning donations something must here be said, though their ceremonial character is not marked.

As the power of the political head develops, until at length he assumes universal ownership, there results a state in which he finds it needful to give back part of that which he has monopolized; and having been originally subordinated by giving, his dependants are now, to a certain extent, further subordinated by receiving. People of whom it can be said, as of the Kukis, that "all the property they possess is by simple sufferance of the rajah," or people who, like the Dahomans, are owned in body and estate by their king, are obviously so conditioned that property having flowed in excess to the political centre must flow down again from lack of other use. Hence, in Dahomey, though no State-functionary is paid, the king gives his ministers and officers royal bounty. Without travelling further afield for illustrations, it will suffice if we note these relations of causes and effects in early European times. Of the ancient Germans, Tacitus says—"The chief must show his liberality, and the follower expects it. He demands at one time this war-horse; at another, that victorious lance imbrued with the enemy's blood. The prince's table, however inelegant, must always be plentiful; it is the only pay of his followers." That is, a monopolizing supremacy had, as its sequence, gratuities to dependants. Mediæval days in France were characterized by modified forms of the same system. In the thirteenth century, "in order that the princes of the blood, the whole royal house, the great officers of the crown, and those . . . of the king's household, should appear with distinction, the king gave them dresses according to the rank they held and suitably to the season at which these solemn courts were celebrated. These dresses were called liveries (*livrées*) because they were delivered," as the king's free gifts: a statement showing how acceptance of such gifts went along with subordination. It needs scarcely be added that

throughout the same stages of progress in Europe, the scattering of *largesse* to the people by the kings, dukes, and nobles, was similarly a concomitant of that servile position in which such return as they got for their labour in addition to daily sustenance, was in the shape of presents rather than in the shape of wages. Moreover, we still have in vails and Christmas-boxes to servants, &c., the remnants of a system under which fixed remuneration was eked out by gratuities—a system itself sequent upon the earlier system under which gratuities formed the only remuneration.

Thus it becomes tolerably clear that while from presents offered by subject persons, there eventually develop tribute, taxes, and fees; from donations made by ruling persons there eventually develop salaries.

§ 376. Something must be added concerning presents passing between those who do not stand in acknowledged relations of superior and inferior.

Consideration of these carries us back to the primitive form of present-making, as it occurs between members of alien societies; and on looking at some of the facts, there is suggested a question of much interest—Whether from the propitiatory gift made under these circumstances there does not originate another important kind of social action? Barter is not, as we are apt to suppose, universally understood. Cook, speaking of his failure to make any exchange of articles with the Australians, says—"They had, indeed, no idea of traffic." And other statements suggest that when exchange begins, the thought of equivalence between the things given and received scarcely arises. Of the Ostyaks, who supplied them "with plenty of fish and wild-fowl," Bell remarks—"Give them only a little tobacco and a dram of brandy, and they ask no more, not knowing the use of money." Remembering that at first no means of measuring values exists, and that the conception of equality of value has to grow by use, it seems not impossible that

mutual propitiation by gifts was the act from which barter arose: the expectation that the present received would be of like worth with that given, being gradually established, and the exchanged articles simultaneously losing the character of presents. One may, indeed, see the connexion between the two in the familiar cases of gifts made by European travellers to native chiefs; as where Mungo Park writes—"Presented Mansa Kussan [the chief man of Julifunda] with some amber, coral, and scarlet, with which he appeared to be perfectly satisfied, and sent a bullock in return." Such transactions show us both the original meaning of the initial present as propitiatory, and the idea that the responsive present should have an approximately-like value: implying informal barter. Nay more. Certain usages of the North American Indians suggest that even a circulating medium may originate from propitiatory presents. Catlin writes:—

"Wampum has been invariably manufactured, and highly valued as a circulating medium (instead of coins, of which the Indians have no knowledge); so many strings, or so many hand's-breadth, being the fixed value of a horse, a gun, a robe, &c. In treaties, the wampum belt has been passed as the pledge of friendship, and from time immemorial sent to hostile tribes, as the messenger of peace; or paid by so many fathoms' length, as tribute to conquering enemies."

Speculation aside, we have to note how the propitiatory present becomes a social observance. That along with the original form of it, signifying allegiance, there goes the spread of it as a means to friendship, was shown in ancient America. Of the Yucatanese we read that, "at their visits the Indians always carry with them presents to be given away, according to their position; those visited respond by another gift." In Japan, so rigorously ceremonious, the stages of the descent are well shown. There are the periodic presents to the Mikado, expressive of loyalty; there is "the giving of presents from inferiors to superiors;" and between equals "it is customary on the occasion of a first visit

to a house to carry a present to the owner, who gives something of equal value on returning the visit." Other races show us this mutual propitiation taking other forms. Markham, writing of Himalayan people, states that exchanging caps is "as certain a mark of friendship in the hills, as two chiefs in the plains exchanging turbans." But the most striking development of gift-making into a form, occurs in Bootan; where "between people of every rank and station in life, the presenting of a silk scarf constantly forms an essential part of the ceremonial of salutation."

"An inferior, on approaching a superior, presents the white silk scarf; and, when dismissed, has one thrown over his neck, with the ends hanging down in front. Equals exchange scarfs on meeting, bending towards each other, with an inclination of the body. No intercourse whatever takes place without the intervention of a scarf; it always accompanies every letter, being enclosed in the same packet, however distant the place to which it is despatched."

How gift-making, first developed into a ceremony by fear of the chief ruler, and made to take a wider range by fear of the powerful, is eventually rendered general by fear of equals who may prove enemies if they are passed over when others are propitiated, we may gather from European history. Thus in Rome, "all the world gave or received New Year's gifts." Clients gave them to their patrons; all the Romans gave them to Augustus. "He was seated in the entrance-hall of his house; they defiled before him, and every citizen holding his offering in his hand, laid it, when passing, at the feet of that terrestrial god . . . the sovereign gave back a sum equal or superior to their presents." Because of its association with pagan institutions, this custom, surviving into Christian times, was condemned by the Church. In 578 the Council of Auxerre forbade New Year's gifts, which it characterized in strong words. Ives, of Chartres, says—"There are some who accept from others, and themselves give, devilish New Year's gifts." In the twelfth century, Maurice,

bishop of Paris, preached against bad people who "put their faith in presents, and say that none will remain rich during the year if he has not had a gift on New Year's day." Notwithstanding ecclesiastical interdicts, however, the custom survived through the Middle Ages down to modern times. Moreover, there simultaneously developed kindred periodic ceremonies; such as, in France, the giving of Easter eggs. And present-makings of these kinds have undergone changes like those which we traced in other kinds of present-makings: beginning as voluntary, they have become in a measure compulsory.

§ 377. Spontaneously made among primitive men to one whose goodwill is desired, the gift thus becomes, as society evolves, the originator of many things.

To the political head, as his power grows, presents are prompted partly by fear of him and partly by the wish for his aid; and such presents, at first propitiatory only in virtue of their intrinsic worth, grow to be propitiatory as expressions of loyalty: from the last of which comes present-giving as a ceremonial, and from the first of which comes present-giving as tribute, eventually changing into taxes. Simultaneously, the supplies of food &c., placed on the grave of the dead man to please his ghost, developing into larger and repeated offerings at the grave of the distinguished dead man, and becoming at length sacrifices on the altar of the god, differentiate in an analogous way: the present of meat, drink, or clothes, at first supposed to beget goodwill because actually useful, becomes, by implication, significant of allegiance. Hence, making the gift grows into an act of worship irrespective of the value of the thing given; while, as affording sustenance to the priest, the gift makes possible the agency by which the worship is conducted. From oblations originate Church revenues.

Thus we unexpectedly come upon further proof that the control of ceremony precedes the political and ecclesiastical

controls; since it appears that from actions which the first initiates, eventually result the funds by which the others are maintained.

When we ask what relations present-giving has to different social types, we note, in the first place, that there is little of it in simple societies where chieftainship does not exist or is unstable. Conversely, it prevails in compound and doubly-compound societies; as throughout the semi-civilized states of Africa, those of Polynesia, those of ancient America, where the presence of stable headships, primary and secondary, gives both the opportunity and the motive. Recognizing this truth, we are led to recognize the deeper truth that present-making, while but indirectly related to the social type as simple or compound, is directly related to it as more or less militant in organization. The desire to propitiate is great in proportion as the person to be propitiated is feared; and therefore the conquering chief, and still more the king who has made himself by force of arms ruler over many chiefs, is one whose goodwill is most anxiously sought by acts which simultaneously gratify his avarice and express submission. Hence, then, the fact that the ceremony of making gifts to the ruler prevails most in societies that are either actually militant, or in which chronic militancy during past times has evolved the despotic government appropriate to it. Hence the fact that throughout the East where this social type exists everywhere, the making of presents to those in authority is everywhere imperative. Hence the fact that in early European ages, while the social activities were militant and the structures corresponded, loyal presents to kings from individuals and corporate bodies were universal; while donations from superiors to inferiors, also growing out of that state of complete dependence which accompanied militancy, were common.

The like connexion holds with religious offerings. In the extinct militant States of the New World, sacrifices

to gods were perpetual, and their shrines were being ever enriched by deposited valuables. Papyri, wall-paintings, and sculptures, show us that among ancient Eastern nations, highly militant in their activities and types of structure, oblations to deities were large and continual; and that vast amounts of property were devoted to making their temples glorious. During early and militant times throughout Europe, gifts to God and the Church were more general and extensive than they are in our relatively industrial times. It is observable, too, how, even now, that representative of the primitive oblation which we still have in the bread and wine of the mass and the sacrament (offered to God before being consumed by communicants), recurs less frequently here than in Catholic societies, which are relatively more militant in type of organization; while the offering of incense, which is one of the primitive forms of sacrifice among various peoples and survives in the Catholic service, has disappeared from the authorized service in England. Nor in our own society do we fail to trace a kindred contrast. For while within the Established Church, which forms part of that regulative structure developed by militancy, sacrificial observances continue, they are not performed by that most unecclesiastical of sects, the Quakers; who, absolutely unmilitant, show us also by the absence of an established priesthood, and by the democratic form of their government, the type of organization most characteristic of industrialism.

The like holds even with the custom of present-giving for purposes of social propitiation. We see this on comparing European nations, which, otherwise much upon a par in their stages of progress, differ in the degrees to which industrialism has qualified militancy. In Germany, where periodic making of gifts among relatives and friends is a universal obligation, and in France, where the burden similarly entailed is so onerous that at the New Year and at Easter, people not unfrequently leave home to escape it,

this social usage survives in greater strength than in England, less militant in organization.

Of this kind of ceremony, then, as of the kinds already dealt with, we may say that, taking shape with the establishment of that political headship which militancy produces, it develops with the development of the militant type of social structure, and declines with the development of the industrial type.

CHAPTER V.

VISITS.

§ 378. One may go to the house of a blameworthy man to reproach him, or to that of an inferior who is in trouble to give aid, or to that of a reputed oddity to gratify curiosity: a visit is not intrinsically a mark of homage. Visits of certain kinds, however, become extrinsically marks of homage. In its primitive form, making a present implies going to see the person it is made to. Hence, by association, this act comes to be itself indicative of respect, and eventually acquires the character of a reverential ceremony.

From this it results that just as the once-voluntary present grows into the compulsory present, and ends in tribute periodically paid; so the concomitant visit loses its voluntary character, and, as political supremacy strengthens, becomes an expression of subordination demanded by the ruler at stated intervals.

§ 379. Naturally this ceremony takes no definite shape where chiefly power is undecided; and hence is not usual in simple tribes. Even in societies partially compounded, it characterizes less the relations between the common people and the rulers next above them, than the relations between these subordinate rulers and superior rulers. Still there are places where subjects show their local heads the consideration implied by this act. Some of the Coast Negroes, the Joloffs for example, come daily to their village chiefs

to salute them; and among the Kaffirs, the Great Place (as the chief's residence is termed) is the resort of all the principal men of the tribe, who attend "for the purpose of paying their respects to the chief."

But, as just implied, the visits chiefly to be noted as elements in ceremonial government, are those which secondary rulers and officials of certain grades are required to pay. In a compound society headed by a chief who has been victorious over other chiefs, there arises the need for periodic demonstrations of allegiance. Habitually the central ruler, knowing that these subjugated local rulers must chafe under their humiliation, and ever suspecting conspiracies among them, insists on their frequently recurring presence at his place of residence. He thus satisfies himself in two ways: he receives re-assurances of loyalty by gifts brought and homage performed, while he gets proof that his guests are not then engaged in trying to throw off his yoke.

Hence the fact that in compound societies the periodic visit to the king is a political ceremony. Concerning a conquered people in ancient Peru, we read that the Yncas "ordered that, during certain months in the year, the native chiefs should reside at the court of Cuzco;" and, speaking of other subordinate rulers, F. de Xeres says—"Some of these chiefs [who came to visit Atahuallpa] were lords of 30,000 Indians, all subject to Atahuallpa." In ancient Mexico a like usage is shown to have had a like origin. From the chiefs of the conquered province of Chalco, certain indications of submission were required; and "Montezuma II. asked them, besides, to come to Mexico twice a-year, and so take part in the festivals." Africa in our own day furnishes an illustration showing at once the motive for the usage and the reluctant feeling with which it is sometimes conformed to. In Ashantee,

"At that great annual festival [the yam-custom] all the caboceers and captains, and the greater number of the tributary kings or chiefs,

are expected to appear in the capital. . . . Sometimes a chief who suspects that he has become obnoxious to the king, will not trust himself in the capital without the means of defence or intimidation." Further, as showing how in Africa the visit is a recognized expression of subordination, we have the fact that "it is not 'etiquette' for the king of Dahomey to visit even his highest officers." And then Madagascar and Siam yield instances in which the political meaning of the visit is shown by making it to a proxy ruler. Ellis mentions certain Malagasy chiefs as "going to the residence of the governor, to present their homage to the sovereign's representative, according to the custom of the country at this season;" and, speaking of the "thirteen other kings" in his dominions who every year pay tribute to the king of Siam, Bowring quotes evidence that "formerly they used to come to the city of Odiaà to make their *sumbaya* (which was to kiss the sword of their Grand Señor); and now, by the Royal command, they come to make it before his viceroy." Writing in the seventeenth century, Tavernier describes the extreme to which this kind of ceremony was carried in the empire of the Mogul. "All those that are at Court are oblig'd, under a considerable Penalty, to come twice every day to salute the King in the Assembly, once about ten or eleven o'clock in the morning, when he renders justice; and the second time about six hours at night." And such scepticism as we might reasonably feel concerning this statement, is removed on finding that at the present time in Jummoo and Kashmir, the Maharaja receives bi-diurnal visits from "all of a certain standing." Till lately, Japan furnishes various illustrations of the usage and its meanings. There was the yearly visit made by the secular monarch to the Mikado, originally in person and then by proxy; there were the yearly visits of the nobles to court—the superior ones doing homage to the emperor himself and the inferior ones to his ministers; and, still more significantly, there were the recurring migrations of certain lords,

the Siomio, who were "allowed but six months stay in their hereditary dominions; the other half-year they must spend in the imperial capital, Jedo, where their wives and families are kept all the year round as hostages of their fidelity."

How in feudal Europe like customs arose from like causes, the reader will need only to be reminded. Periodical visits were made by vassals to their suzerains and by these to their higher suzerains—the kings; prolonged residences at places of government grew out of these periodical visits; and the payment of such visits having come to be a recognized expression of allegiance, absence on the appointed occasions was considered a sign of insubordination. As says de Tocqueville, giving an interpretation which partially recognizes the origin of the usage:—

"The abandonment of a country life by the nobility [in France] . . . was, no doubt, an idea almost always pursued by the kings of France, during the three last centuries of the monarchy, to separate the gentry from the people, and to attract the former to Court and to public employments. This was especially the case in the seventeenth century, when the nobility were still an object of fear to royalty."

To which facts add that among ourselves down to the present day, going to court at intervals, expected specially of all who hold official positions above a certain grade, and expected generally of members of the governing classes, is taken as an expression of loyalty; and continued absence is interpreted as a mark of disrespect, bringing disfavour.

§ 380. In the last chapter we saw that to deceased persons as well as to living persons, propitiatory presents are made. We have now to observe that in the one case as in the other visits are entailed.

As in primitive beliefs, the powers of men's ghosts are greater than were those of the men themselves, it results that present-making visits to the dead begin even earlier than do those to the living. In § 83 it was shown that

among the Innuits (Esquimaux), who have no chiefs, and therefore no visits expressing political allegiance, there are occasional journeys with gifts to the graves of departed relations. In § 85 instances of such periodic journeys performed by various peoples, savage and semi-civilized, were given. And in § 144 we saw how, in subsequent stages, these grow into quasi-religious and religious pilgrimages.

Here, from the usages of more advanced peoples, may be given two examples showing how close is the relation between these visits paid to the deified and undeified dead, and visits paid to the living. Describing the observances on All Saints' Day in Spain, Rose writes—"This festival is observed for three days, and . . . the streets are filled with holiday-makers. Yet none of these forget to walk down to the house of their dead, and gaze on it with respect." And then in Japan, where sacred and secular are but little differentiated, these visits made to gods, ancestors, superiors, and equals, are intimately associated. Says Kœmpfer:—

"Their festivals and holidays are days sacred rather to mutual compliments and civilities, than to acts of holiness and devotion, for which reason they call them also rebis, which implies as much as visiting days. It is true, indeed, that they think it a duty incumbent on them, on those days, to go to the temple of Tensio Dai Sin, the first and principal object of their worship, and the temples of their other gods and deceased great men. . . . Yet the best part of their time is spent with visiting and complimenting their superiors, friends, and relations."

As further proving how important in super-ceremonious Japan is the visit as a mark of subordination, while it also discloses a curious sequence from the Japanese theory that their sacred monarch rules the other world as well as this world, let me add an extract showing that the gods themselves pay visits.

"All the other kamis or gods of the country are under an obligation to visit him [the Mikado, the living kami] once a year, and to wait upon his sacred person, though in an invisible manner, during the tenth month . . . which is by them called Kaminatsuki, that is,

the month without gods . . . because the gods are supposed not to be at home in their temples, but at court waiting upon their Dairi."

These and many kindred facts force on us the conclusion that from propitiatory visits, now to the living and now to the dead, have been developed those visits of worship which we class as religious. When we watch in a continental cemetery, relatives periodically coming to hang fresh *immortelles* round tombs, and observe how the decayed wreaths on unvisited tombs are taken to imply lack of respect for the dead—when we remember how in Catholic countries journeys are made with kindred feelings to the shrines of semi-deified men called saints—when we note that between pilgrimages of this kind and pilgrimages made in days gone by to the Holy Sepulchre, the differences are simply between the distances travelled and the ascribed degrees of holiness of the places; we see that the primitive man's visit to the grave, where the ghost is supposed to reside, originates the visit to the temple regarded as the residence of the god, and that both are allied to visits of reverence to the living. Remote as appear the going to church and the going to court, they are divergent forms of the same thing. That which once linked the two has now almost lapsed; but we need only go back to early times, when a journey to the abode of a living superior had the purpose of carrying a present, doing homage, and expressing submission, while the journey to a temple was made for offering oblations, professing obedience, uttering praises, to recognize the parallelism. Before the higher creeds arose, the unseen ruler visited by the religious worshipper was supposed to be present in his temple, just as much as was the seen ruler visited at his court; and though now the presence of the unseen ruler in his temple is conceived in a vaguer way, he is still supposed to be in closer proximity than usual.

§ 381. As with other ceremonies so with this ceremony. What begins as a propitiation of the most powerful man

—now living, now dead, now apotheosized—extends as a propitiation of men who are less powerful; and, continuing to spread, finally becomes a propitiation of equals.

How, as tacitly expressing subordination, the visit comes to be looked for by one who claims superiority, and to be recognized as an admission of inferiority by one who pays it, is well shown in a story which Palgrave narrates. Feysul, king of the Wahhabees, ordered his son Sa'ood to pay a visit to Abd-Allah, an elder brother. "'I am the stranger guest, while he is an inhabitant of the town,' replied Sa'ood, 'and it is accordingly his duty to call first on me.'" . . . Feysul entreated Abd-Allah "to fulfil the obligation of a first visit. But the elder son proved no less intractable."

Peoples in various parts of the world supply facts having kindred meanings. The old traveller Tavernier, writes that "the Persians are very much accustom'd to make mutual Visits one to another at their solemn Festivals. The more noble sort stay at home to expect the Visits of their Inferiors." So in Africa. Of a rich Indian trader, living at Unyanyembe, Grant says—"Moosah sat from morn till night . . . receiving salutes and compliments from the rich and poor." Passing to Europe we have, in ancient Rome, the morning calls of clients on their patrons. And in an old French book of manners translated into English in the seventeenth century, we read—"A great person is to be visited often, and his health to be inquir'd after."

These instances sufficiently indicate that gradual descent of the visit of ceremony which has finally brought it down to an ordinary civility—a civility which, however, still bears traces of its origin; since it is regarded more as due from an inferior to a superior than conversely, and is taken as a condescension when paid by a superior to an inferior. Evidently the morning call is a remote sequence of that system under which a subordinate ruler had from time to

time to show loyalty to a chief ruler by presenting himself to do homage.

§ 382. In this case as in preceding cases, we have, lastly, to note the relations between visit-making and types of social organization.

That in simple tribes without settled headships, it cannot become a political ceremony is obvious; and that it begins to prevail in societies compounded to the second and third degrees, the evidence clearly shows. As before, however, so now, we find on grouping and comparing the facts that it is not so much with the size of the society as with its structure, that this ceremony is connected. Being one of the expressions of obedience, it is associated with development of the militant organization. Hence as proved by the instances given, it grows into a conspicuous element of ceremonial rule in nations which are under those despotic forms of government which militancy produces—ancient Mexico and ancient Peru in the New World, China and Japan in the East. And the earlier stages of European societies exemplified the relation.

The converse relation is no less manifest. Among ourselves, characterized as we now are by predominance of industrialism over militancy, the visit as a manifestation of loyalty is no longer imperative. And in the substitution of cards for calls, we may observe a growing tendency to dispense with it as a formality of social intercourse.

CHAPTER VI.

OBEISANCES.

§ 383. Concerning a party of Shoshones surprised by them, Lewis and Clarke write—"The other two, an elderly woman and a litle girl, seeing we were too near for them to escape, sat on the ground, and holding down their heads seemed as if reconciled to the death which they supposed awaited them. The same habit of holding down the head and inviting the enemy to strike, when all chance of escape is gone, is preserved in Egypt to this day." Here we are shown an effort to propitiate by absolute submission; and from acts so prompted originate obeisances.

When, at the outset, in illustration of the truth that ceremony precedes not only social evolution but human evolution, I named the behaviour of a small dog which throws itself on its back in presence of an alarming great dog, probably many readers thought I was putting on this behaviour a forced construction. They would not have thought so had they known that a parallel mode of behaviour occurs among human beings. Livingstone says of the Batoka salutation—"they throw themselves on their backs on the ground, and, rolling from side to side, slap the outside of their thighs as expressions of thankfulness and welcome." The assumption of this attitude, which implies —"You need not subdue me, I am subdued already," is the best means of obtaining safety. Resistance arouses the destructive instincts; and prostration on the back nega-

tives resistance. Another attitude equally helpless, more elaborately displays subjugation. "At Tonga Tabu . . . the common people show their great chief . . . the greatest respect imaginable by prostrating themselves before him, and by putting his foot on their necks." The like occurs in Africa. Laird says the messengers from the king of Fundah "each bent down and put my foot on their heads." And among historic peoples this position, originated by defeat, became a position assumed in acknowledging submission.

From such primary obeisances representing completely the attitudes of the conquered beneath the conqueror, there come obeisances which express in various ways the subjection of the slave to the master. Of old in the East this subjection was expressed when "Ben-hadad's servants girded sackcloth on their loins, and put ropes on their heads, and came to the king of Israel." In Peru, where the militant type of organization was pushed so far, a sign of humility was to have the hands tied and a rope round the neck. In both cases there was an assumption of those bonds which originally marked captives brought from the battle-field. Along with this mode of simulating slavery to the Ynca, another mode was employed. Servitude had to be indicated by carrying a burden; and "this taking up a load to enter the presence of Atahuallpa, is a ceremony which was performed by all the lords who have reigned in that land."

These extreme instances I give at the outset by way of showing the natural genesis of the obeisance as a means of obtaining mercy; first from a victor and then from a ruler. A full conception of the obeisance, however, includes another element. In the introductory chapter it was pointed out that sundry signs of pleasure, having a physio-psychological origin, which occur in presence of those for whom there is affection, pass into complimentary observances; because men are pleased by supposing themselves liked, and are therefore pleased by demonstrations of liking. So that

while trying to propitiate a superior by expressing submission to him, there is generally an endeavour further to propitiate him by showing joy at his presence. Keeping in view both these elements of the obeisance, let us now consider its varieties; with their political, religious, and social uses.

§ 384. Though the loss of power to resist which prostration on the face implies, does not reach the utter defencelessness implied by prostration on the back, yet it is great enough to make it a sign of profound homage; and hence it occurs as an obeisance wherever despotism is unmitigated and subordination slavish. In ancient America, before a Chibcha cazique, "people had to appear prostrate and with their faces touching the ground." In Africa, "when he addresses the king, a Borghoo man stretches himself on the earth as flat as a flounder." Asia furnishes many instances. "When preferring a complaint, a Khond or Panoo will throw himself on his face with his hands joined;" and while, in Siam, "before the nobles all subordinates are in a state of reverent prostration, the nobles themselves, in the presence of the sovereign, exhibit the same crawling obeisance." Similarly in Polynesia. Falling on the face was a mark of submission among the Sandwich Islanders: the king did so to Cook when he first met him. And in the records of ancient historic peoples kindred illustrations are given; as when Mephibosheth fell on his face and did reverence before David; or as when the king of Bithynia fell on his face before the Roman senate. In some cases this attitude of the conquered before the conqueror, has its meaning emphasized by repetition. Bootan supplies an instance:— "They . . . made before the Raja nine prostrations, which is the obeisance paid to him by his subjects whenever they are permitted to approach."

Every kind of ceremony is apt to have its primitive character obscured by abridgment; and by abridgment

this profoundest of obeisances is rendered a less profound one. In performing a full-length prostration there is passed through an attitude in which the body is on the knees with the head on the ground; and to rise, it is needful to draw up the knees before raising the head and getting on the feet. Hence this attitude may be considered as an incomplete prostration. It is a very general one. Among the Coast Negroes, if a native "goes to visit his superior, or meets him by chance, he immediately falls on his knees, and thrice successively kisses the earth." In acknowlment of his inferiority, the king of the Brass people never spoke to the king of the Ibos "without going down on his knees and touching the ground with his head." At Embomma, on the Congo, "the mode of salutation is by gently clapping the hands, and an inferior at the same time goes on his knees and kisses the bracelet on the superior's ancle."

Often the humility of this obeisance is increased by emphasizing the contact with the earth. On the lower Niger, "as a mark of great respect, men prostrate themselves, and strike their heads against the ground." When, in past ages, the Emperor of Russia was crowned, the nobility did homage by "bending down their heads, and knocking them at his feet to the very ground." In China at the present time, among the eight kinds of obeisances, increasing in humility, the fifth is kneeling and striking the head on the ground; the sixth, kneeling and thrice knocking the head, which again doubled makes the seventh, and trebled, the eighth: this last being due to the Emperor and to Heaven. Among the Hebrews, repetition had a kindred meaning. "Jacob bowed himself to the ground seven times, until he came near to his brother."

Naturally this attitude of the conquered man, used by the slave before his master and the subject before his ruler, becomes that of the worshipper before his deity. We find complete prostrations made whether the being to be propitiated is visible or invisible. "Abraham fell upon his face"

before God when he covenanted with him; "Nebuchadnezzar fell upon his face and worshipped Daniel;" and when Nebuchadnezzar set up a golden image there was a threat of death on "whoso falleth not down and worshippeth." Similarly, the incomplete prostration in presence of kings recurs in presence of deities. When making obeisances to their idols, the Mongols touch the ground with the forehead. The Japanese in their temples "fall down upon their knees, bow their head quite to the ground, slowly and with great humility." And sketches of Mahommedans at their devotions familiarize us with a like attitude.

§ 385. From the positions of prostration on back or face, and of semi-prostration on knees, we pass to sundry others; which, however, continue to imply relative inability to resist. In some cases it is permissible to vary the attitude, as in Dahomey, where "the highest officers lie before the king in the position of Romans upon the *triclinium*. At times they roll over upon their bellies, or relieve themselves by standing 'on all fours.'" Duran states that "cowering . . . was, with the Mexicans, the posture of respect, as with us is genuflexion." Crouching shows homage among the New Caledonians; as it does in Fiji, and in Tahiti.

Other changes in attitudes of this class are entailed by the necessities of locomotion. In Dahomey "when approaching royalty they either crawl like snakes or shuffle forward on their knees." When changing their places before a superior, the Siamese "drag themselves on their hands and knees." In Java an inferior must "walk with his hams upon his heels until he is out of his superior's sight." Similarly with the subjects of a Zulu king—even with his wives. And in Loango, extension of this attitude to the household appears not to be limited to the court: wives in general "dare not speak to them [their husbands] but upon their bare knees, and in meeting them must creep upon their hands." A neighbouring state furnishes an in-

stance of gradation in these forms of partial prostration; and a recognized meaning in the gradation. The Dakro, a woman who bears messages from the Dahoman King to the Meu, goes on all fours before the king; and "as a rule she goes on all fours to the Meu, and only kneels to smaller men, who become quadrupeds to her."

Here we come, incidentally, upon a further abridgment of the original prostration; whence results one of the most widely-spread obeisances. As from the entirely prone posture we pass to the posture of the Mahommedan worshipper with forehead on the ground; so from this we pass to the posture on all fours, and from this, by raising the body, to simple kneeling. That kneeling is, and has been in countless places and times, a form of political homage, a form of domestic homage, and a form of religious homage, needs no showing. We will note only that it is, and has been, in all cases associated with coercive government; as in Africa, where "by thus constantly practising genuflexion upon the hard ground, their [the Dahomans'] knees in time become almost as hard as their heels;" as in Japan, where "on leaving the presence of the Emperor, officers walk backwards on their knees;" as in China, "where the Viceroy's children . . . as they passed by their father's tent, fell on their knees and bowed three times, with their faces towards the ground;" and as in mediæval Europe, where serfs knelt to their masters and feudal vassals to their suzerains.

Not dwelling on the transition from descent on both knees to descent on one knee, which, less abject, comes a stage nearer the erect attitude, it will suffice to note the transition from kneeling on one knee to bending the knee. That this form of obeisance is an abridgment, is well shown us by the Japanese.

"On meeting, they show respect by bending the knee; and when they wish to do unusual honour to an individual they place themselves on the knee and bow down to the ground. But this is never done in the streets, where they merely make a motion as if they were

going to kneel. When they salute a person of rank, they bend the knee in such a manner as to touch the ground with their fingers."

We are shown the same thing equally well, or better, in China; where, among the specified gradations of obeisance, the third is defined as bending the knee, and the fourth as actual kneeling. Manifestly that which still survives among ourselves as the curtesy with the one sex, and that which until recently survived with the other sex as the scrape (made by a backward sweep of the right foot), are both of them vanishing forms of the going down on one knee.

There remains only the accompanying bend of the body. This, while the first motion passed through in making a complete prostration, is also the last motion that survives as the prostration becomes stage by stage abridged. In various places we meet indications of this transition. "Among the Soosoos, even the wives of a great man, when speaking to him, bend their bodies, and place one hand upon each knee; this is done also when passing by." In Samoa, "in passing through a room where a chief is sitting, it is disrespectful to walk erect; the person must pass along with his body bent downwards." Of the ancient Mexicans who, during an assembly, crouched before their chief, we read that "when they retired, it was done with the head lowered." And then in the Chinese ritual of ceremony, obeisance number two, less humble than bending the knee, is bowing low with the hands joined. Bearing in mind that there are insensible transitions between the humble salaam of the Hindoo, the profound bow which in Europe shows great respect, and the moderate bend of the head expressive of consideration, we cannot doubt that the familiar and sometimes scarcely-perceptible nod, is the last trace of the prostration.

These several abridgments of the prostration which we see occur in doing political homage and social homage, occur also in doing religious homage. Of the Con-

goese Bastian says that when they have to speak to a superior—

"They kneel, turn the face half aside, and stretch out the hands towards the person addressed, which they strike together at every address. They might have sat as models to the Egyptian priests when making the representations on the temple walls, so striking is the resemblance between what is represented there and what actually takes place here."

And we may note kindred parallelisms in European religious observances. There is the going on both knees and the going on one knee; and there are the bowings and curtesyings on certain occasions at the name of Christ.

§ 386. As already explained, along with the act expressing humility, the complete obeisance includes some act expressing gratification. To propitiate the superior effectually it is needful at once to imply—"I am your slave," and—"I love you."

Certain of the instances cited above have exemplified the union of these two factors. Along with the attitude of abject submission assumed by the Batoka, we saw that there go rhythmic blows of the hands against the thighs. In some of the cases named, clapping of the hands, also indicating joy, was described as being an accompaniment of movements showing subjection; and many others may be added. Nobles who approach the king of Loango, "clap their hands two or three times, and then cast themselves at his majesty's feet into the sand." Speke says of certain attendants of the king of Uganda, that they "threw themselves in line upon their bellies, and, wriggling like fish . . . whilst they continued floundering, kicking about their legs, rubbing their faces, and patting their hands upon the ground." Going on their knees to superiors, the Balonda "continue the salutation of clapping the hands until the great ones have passed;" and a like use of the hands occurs in Dahomey. A further rhythmical

movement having like meaning must be added. Already we have seen that jumping, as a natural sign of delight, is a friendly salute among the Fuegians, and that it recurs in Loango as a mark of respect to the king. Africa furnishes another instance. Grant narrates that the king of Karague "received the salutations of his people, who, one by one, shrieked and sprang in front of him, swearing allegiance." Let such saltatory movements be systematized, as they are likely to be during social progress, and they will constitute the dancing with which a ruler is sometimes saluted; as in the before-named case of the king of Bogotá, and as in the case Williams gives in his account of Fiji, where an inferior chief and his suite, entering the royal presence, "performed a dance, which they finished by presenting their clubs and upper dresses to the Somo-Somo king."

Of the other simulated signs of pleasure commonly forming part of the obeisance, kissing is the most conspicuous. This, of course, has to take such form as consists with the humility of the prostration or kindred attitude. As shown in certain foregoing instances, we have kissing the earth when the superior cannot be approached close enough for kissing the feet or the garment. Others may be added. "It is the custom at Eboe, when the king is out, and indeed indoors as well, for the principal people to kneel on the ground and kiss it three times when he passes;" and the ancient Mexican ambassadors, on coming to Cortes, "first touched the ground with their hands and then kissed it." This, in the ancient East, expressed submission of conquered to conqueror; and is said to have gone as far as kissing the footmarks of the conqueror's horse. Abyssinia, where the despotism is extreme and the obeisances servile, supplies a modification. In Shoa, kissing the nearest inanimate object belonging to a superior or a benefactor, is a sign of respect and thanks. From this we pass to licking the feet and kissing the feet. Of a Malagasy chief Drury says—"he had scarcely seated himself at his door,

when his wife came out crawling on her hands and knees till she came to him, and then licked his feet . . . all the women in the town saluted their husbands in the same manner." Slaves did the like to their masters. So in ancient Peru, "when the chiefs came before [Atahuallpa], they made great obeisances, kissing his feet and hands." Egyptian wall-paintings represent this extreme homage; and in Assyrian records Sennacherib mentions that Menahem of Samaria came up to bring presents and to kiss his feet. "Kissing his feet" was part of the reverence shown to Christ by the woman with the box of ointment. At the present day among the Arabs, inferiors kiss the feet, the knees, or the garments of their superiors. Kissing the Sultan's feet is a usage in Turkey; and Sir R. K. Porter narrates that in acknowledgment of a present, a Persian "threw himself on the ground, kissed my knees and my feet."

Kissing the hand is a less humiliating observance than kissing the feet; mainly, perhaps, because it does not involve a prostration. This difference of implication is recognized in regions remote from one another. In Tonga, "when a person salutes a superior relation, he kisses the hand of the party; if a very superior relation, he kisses the foot." And the women who wait on the Arabian princesses, kiss their hands when they do them the favour not to suffer them to kiss their feet or the borders of their robes. The prevalence of this obeisance as expressing loving submission, is so great as to render illustration superfluous.

What is implied, where, instead of kissing another's hand, the person making the obeisance kisses his own hand? Does the one symbolize the other, as being the nearest approach to it possible under the circumstances? This appears a hazardous inference; but there is evidence justifying it. D'Arvieux says—

"An oriental pays his respects to a person of superior station by kissing his hand and putting it to his forehead; but if the superior be

of a condescending temper, he will snatch away his hand as soon as the other has touched it; then the inferior puts his own fingers to his lips and afterwards to his forehead."

This, I think, makes it clear that the common custom of kissing the hand to another, originally expressed the wish, or the willingness, to kiss his hand.

Here, as before, the observance, beginning as a spontaneous propitiation of conqueror by conquered, of master by slave, of ruler by ruled, early passes into a religious propitiation also. To the ghost, and to the deity developed from the ghost, these actions of love and liking are used. That embracing and kissing of the lower extremities, which was among the Hebrews an obeisance to the living person, Egyptian wall-paintings represent as an obeisance made to the mummy enclosed in its case; and then, in pursuance of this action, we have kissing the feet of statues of gods in pagan Rome and of holy images among Christians. Ancient Mexico furnished an instance of the transition from kissing the ground as a political obeisance, to a modified kissing the ground as a religious obeisance. Describing an oath Clavigero says—"Then naming the principal god, or any other they particularly reverenced, they kissed their hand, after having touched the earth with it." In Peru "the manner of worship was to open the hands, to make some noise with the lips as of kissing, and to ask what they wished, at the same time offering the sacrifice;" and Garcilasso, describing the libation to the Sun, adds—"At the same time they kissed the air two or three times, which . . . was a token of adoration among these Indians." Nor have European races failed to furnish kindred facts. Kissing the hand to the statue of a god was a Roman form of adoration.

Once more, saltatory movements, which being natural expressions of delight become complimentary acts before a visible ruler, become acts of worship before an invisible ruler. David danced before the ark. Dancing was

originally a religious ceremony among the Greeks: from the earliest times the "worship of Apollo was connected with a religious dance." King Pepin, "like King David, forgetful of the regal purple, in his joy bedewed his costly robes with tears, and danced before the relics of the blessed martyr." And in the Middle Ages there were religious dances in churches; as there are still in Christian churches at Jerusalem.

§ 387. To interpret another series of observances we must go back to the prostration in its original form. I refer to those expressions of submission which are made by putting dust or ashes on some part of the body.

Men cannot roll over in the sand in front of their king, or crawl before him, or repeatedly knock their heads against the ground, without soiling themselves. Hence the adhering dirt is recognized as a concomitant mark of subjection; and comes to be gratuitously assumed, and artificially increased, in the anxiety to propitiate. Already the association between this act and the act of prostration has been incidentally exemplified by cases from Africa; and Africa furnishes other cases which exemplify more fully this self-defiling as a distinct form. "In the Congo regions prostration is made, the earth is kissed, and dust is strewed over the forehead and arms, before every Banza or village chief;" and Burton adds that the Dahoman salutation consists of two actions—prostration and pouring sand or earth upon the head. Similarly "in saluting a stranger, they [the Kakanda people on the Niger] stoop almost to the earth, throwing dust on their foreheads several times." And among the Balonda,

"The inferiors, on meeting their superiors in the street, at once drop on their knees and rub dust on their arms and chest. . . . During an oration to a person commanding respect, the speaker every two or three seconds 'picked up a little sand, and rubbing it on the upper part of his arms and chest.' . . . When they wish to be exces-

sively polite, they bring a quantity of ashes or pipeclay in a piece of skin, and, taking up handfuls, rub it on the chest and upper front part of each arm."

Moreover, we are shown how in this case, as in all other cases, the ceremony undergoes abridgment. Of these same Balonda, Livingstone says, "the chiefs go through the manœuvre of rubbing the sand on the arms, but only make a feint of picking up some." On the Lower Niger, the people when making prostrations "cover them [their heads] repeatedly with sand; or at all events they go through the motion of doing so. Women, on perceiving their friends, kneel immediately, and pretend to pour sand alternately over each arm." In Asia this ceremony was, and still is, performed with like meaning. As expressing political humiliation it was adopted by the priests who, when going to implore Florus to spare the Jews, appeared "with dust sprinkled in great plenty upon their heads, with bosoms deprived of any covering but what was rent." In Turkey, abridgments of the obeisance may yet be witnessed. At a review, even officers on horseback, saluting their superiors, "go through the form of throwing dust over their heads;" and when a caravan of pilgrims started, spectators "went through the pantomime of throwing dirt over their heads."

Hebrew records prove that this sign of submission made before visible persons, was made before invisible persons also. Along with those blood-lettings and markings of the flesh and cuttings of the hair which, at funerals, were used to propitiate the ghost, there went the putting of ashes on the head. The like was done to propitiate the deity; as when "Joshua rent his clothes, and fell to the earth upon his face before the ark of the Lord until the eventide, he and the elders of Israel, and put dust upon their heads." Even still this usage occurs among Catholics on occasions of special humiliation.

§ 388. We must again return to that original obeisance which first actually is, and then which simulates, the

attitude of the conquered before the conqueror, to find the clue to certain further movements signifying submission. As described in a foregoing paragraph, the supplicating Khond "throws himself on his face with hands joined." Whence this attitude of the hands?

From the usages of the people among whom submission and all marks of it were carried to great extremes, an instance has already been given indicating the genesis of this action. A sign of humility in ancient Peru was to have the hands bound and a rope round the neck: the condition of captives was simulated. Did there need proof that it has been a common practice to make prisoners of war defenceless by tying their hands, I might begin with Assyrian wall-sculptures, in which men thus bound are represented; but the fact that among ourselves, men charged with crimes are hand-cuffed by the police when taken, shows how naturally suggested is this method of rendering prisoners impotent. And for concluding that bound hands hence came to be an adopted mark of subjection, further reason is furnished by two strange customs found in Africa and Asia respectively. When the king of Uganda returned the visit of captains Speke and Grant, "his brothers, a mob of little ragamuffins, several in hand-cuffs, sat behind him. . . . It was said that the king, before coming to the throne, always went about in irons, as his small brothers now do." And then, among the Chinese, "on the third day after the birth of a child . . . the ceremony of binding its wrists is observed. . . . These things are worn till the child is fourteen days old . . . sometimes . . . for several months, or even for a year. . . . It is thought that such a tying of the wrists will tend to keep the child from being troublesome in after life."

Such indications of its origin, joined with such examples of derived practices, force on us the inference that raising the joined hands as part of that primitive obeisance signifying absolute submission, was an offering of the hands to

be bound. The above-described attitude of the Khond exhibits the proceeding in its original form; and on reading in Huc that "the Mongul hunter saluted us, with his clasped hands raised to his forehead," or in Drury that when the Malagasy approach a great man, they hold the hands up in a supplicatory form, we cannot doubt that this act now expresses reverence because it originally implied subjugation. Of the Siamese, La Loubere says—"If you extend your hand to a Siamese, to place it in his, he carries both his hands to yours, as if to place himself entirely in your power." That presentation of the joined hands has the meaning here suggested, is elsewhere shown. In Unyanyembe, "when two of them meet, the Wezee puts both his palms together, these are gently clasped by the Watusi" [a man of more powerful race]; and in Sumatra, the obeisance "consists in bending the body, and the inferior's putting his joined hands between those of the superior, and then lifting them to his forehead." By these instances we are reminded that a kindred act was once a form of submission in Europe. When doing homage, the vassal, on his knees, placed his joined hands between the hands of his suzerain.

As in foregoing cases, an attitude signifying defeat and therefore political subordination, becomes an attitude of religious devotion. By the Mahommedan worshipper we are shown that same clasping of the hands above the head which expresses reverence for a living superior. Among the Greeks, "the Olympian gods were prayed to in an upright position with raised hands; the marine gods with hands held horizontally; the gods of Tartarus with hands held down." And the presentation of the hands joined palm to palm, once throughout Europe required from an inferior when professing obedience to a superior, is still taught to children as the attitude of prayer.

A kindred use of the hands descends into social intercourse; and in the far East the filiation continues to be

clear. "When the Siamese salute one another, they join the hands, raising them before the face or above the head." Of the eight obeisances in China, the least profound is that of putting the hands together and raising them before the breast. Even among ourselves a remnant of this action is traceable. An obsequious shopman or fussy innkeeper, may be seen to join and loosely move the slightly raised hands one over another, in a way suggestive of derivation from this primitive sign of submission.

§ 389. A group of obeisances having a connected, though divergent, root, come next to be dealt with. Those which we have thus far considered do not directly affect the subject person's dress. But from modifications of dress, either in position, state, or kind, a series of ceremonial observances result.

The conquered man, prostrate before his conqueror, and becoming himself a possession, simultaneously loses possession of whatever things he has about him; and therefore, surrendering his weapons, he also yields up, if the victor demands it, whatever part of his dress is worth taking. Hence the nakedness, partial or complete, of the captive, becomes additional evidence of his subjugation. That it was so regarded of old in the East, there is clear proof. In Isaiah xx. 2—4, we read—"And the Lord said, like as my servant Isaiah hath walked naked and barefoot three years for a sign . . . so shall the king of Assyria lead away the Egyptians prisoners, and the Ethiopians captives, young and old, naked and barefoot." And that the Assyrians completely stripped their captives is shown by their sculptures. Nay, even our own days furnish evidence; as at the beginning of the Afghan war, when the Afreedees were reported to have stripped certain prisoners they had taken. Naturally, then, the taking off and yielding up of clothing becomes a mark of political submission, and in some

cases even a complimentary observance. In Fiji, on the day for paying tribute—

"The chief of Somo Somo, who had previously stripped off his robes, then sat down, and removed even the train or covering, which was of immense length, from his waist. He gave it to the speaker," who gave him "in return a piece large enough only for the purposes of decency. The rest of the Somo-Somo chiefs, each of whom on coming on the ground had a train of several yards in length, stripped themselves entirely, left their trains, and walked away . . . thus leaving all the Somo-Somo people naked."

Further we read that during Cook's stay at Tahiti, two men of superior rank "came on board, and each singled out his friend . . . this ceremony consisted in taking off great part of their clothes and putting them upon us." And then in another Polynesian island, Samoa, this complimentary act is greatly abridged: only the girdle is presented.

With such facts to give us the clue, we can scarcely doubt that surrender of clothing originates those obeisances which are made by uncovering the body, more or less extensively. All degrees of uncovering have this meaning. From Ibn Batuta's account of his journey into the Soudan, Mr. Tylor cites the statement that "women may only come unclothed into the presence of the Sultan of Melli, and even the Sultan's own daughters must conform to the custom;" and what doubt we might reasonably feel as to the existence of an obeisance thus carried to its original extreme, is removed on reading in Speke that at the present time, at the court of Uganda, "stark-naked, full-grown women are the valets." Elsewhere in Africa an incomplete, though still considerable, unclothing as an obeisance occurs. In Abyssinia inferiors bare their bodies down to the girdle in presence of superiors; "but to equals the corner of the cloth is removed only for a time." The like occurs in Polynesia. The Tahitians uncover "the body as low as the waist, in the presence of the king;" and in the Society Isles generally, "the lower ranks of people, by way of respect, strip off their upper garment in the presence of their"

principal chiefs. How this obeisance becomes further abridged, and how it becomes extended to other persons than rulers, is shown by natives of the Gold Coast.

"They also salute Europeans, and sometimes each other, by slightly removing their robe from their left shoulder with the right hand, gracefully bowing at the same time. When they wish to be very respectful, they uncover the shoulder altogether, and support the robe under the arm, the whole of the person from the breast upwards being left exposed."

And Burton says that, "throughout Yoruba and the Gold Coast, to bare the shoulders is like unhatting in England."

Evidently uncovering the head, thus suggestively compared with uncovering the upper part of the body, has the same original meaning. Even in certain European usages the relation between the two has been recognized; as by Ford, who remarks that "uncloaking in Spain is . . . equivalent to our taking off the hat." It is recognized in Africa itself, where, as in Dahomey, the two are joined: "the men bared their shoulders, doffing their caps and large umbrella hats," says Burton, speaking of his reception. It is recognized in Polynesia, where, as in Tahiti, along with the stripping down to the waist before the king, there goes uncovering of the head. Hence it seems that removal of the hat among European peoples, often reduced among ourselves to touching the hat, is a remnant of that process of unclothing himself, by which, in early times, the captive expressed the yielding up of all he had.

That baring the feet has the same origin, is well shown by these same Gold Coast natives; for while they partially bare the upper part of the body, they also take off their sandals "as a mark of respect:" they begin to strip the body at both ends. Throughout ancient America uncovering the feet had a like meaning. In Peru, "no lord, however great he might be, entered the presence of the Ynca in rich clothing, but in humble attire and barefooted;" and in Mexico, "the kings who were vassals of Monte-

zuma were obliged to take off their shoes when they came into his presence:" the significance of this act being so great that as "Michoacan was independent of Mexico, the sovereign took the title of cazonzi—that is, 'shod.'" Kindred accounts of Asiatics have made the usage familiar to us. In Burmah, "even in the streets and highways, a European, if he meets with the king, or joins his party, is obliged to take off his shoes." And in Persia, every one who approaches the royal presence must bare his feet.

Verification of these interpretations is yielded by the equally obvious interpretations of certain usages which we similarly meet with in societies where extreme expressions of subjection are required. I refer to the appearing in presence of rulers dressed in coarse clothing—the clothing of slaves. In Mexico, whenever Montezuma's attendants "entered his apartments, they had first to take off their rich costumes and put on meaner garments." In Peru, along with the rule that a subject should appear before the Ynca with a burden on his back, simulating servitude, and along with the rule that he should be barefooted, further simulating servitude, there went, as we have seen, the rule that "no lord, however great he might be, entered the presence of the Ynca in rich clothing, but in humble attire," again simulating servitude. A kindred though less extreme usage exists in Dahomey: the highest subjects may "ride on horseback, be carried in hammocks, wear silk, maintain a numerous retinue, with large umbrellas of their own order, flags, trumpets, and other musical instruments; but, on their entrance at the royal gate, all these insignia are laid aside." Even in mediæval Europe, submission was expressed by taking off those parts of the dress and appendages which were inconsistent with the appearance of servitude. Thus, in France, in 1467, the head men of the town, surrendering to a victorious duke, "brought to his camp with them three hundred of the best citizens in their shirts, bareheaded, and barelegged, who presented the keies of the citie to

him, and yielded themselves to his mercy." And the doing of feudal homage included observances of kindred meaning. Saint Simon, describing one of the latest instances, and naming among ceremonies gone through the giving up of belt, sword, gloves, and hat, says that this was done "to strip the vassal of his marks of dignity in the presence of his lord." So that whether it be the putting on of coarse clothing or the putting off of fine clothing, the meaning is the same.

Observances of this kind, like those of other kinds, extend themselves from the feared being who is visible to the feared being who is invisible—the ghost and the god. On remembering that by the Hebrews, putting on sackcloth and ashes was joined with cutting the hair, self-bleeding, and making marks on the body, to propitiate the ghost—on reading that the habit continues in the East, so that a mourning lady described by Mr. Salt, was covered with sackcloth and sprinkled with ashes, and so that Burckhardt "saw the female relations of a deceased chief running through all the principal streets, their bodies half naked, and the little clothing they had on being rags, while the head, face, and breast," were "almost entirely covered with ashes;" it becomes clear that the semi-nakedness, the torn garments, and the coarse garments, expressing submission to a living superior, serve also to express submission to one who, dying and becoming a supernatural being, has so acquired a power that is dreaded.* This inference is con-

* For the use of coarse and dingy fabrics in mourning by Hebrews, Greeks, and Romans, and of inferior clothing by numerous peoples, two causes, both resulting from ghost-propitiation, appear to act separately or jointly. One is the sacrifice of clothes, often the best, at the grave of the dead man, of which instances were given in §103; and in further exemplification of which may be named Mr. Willard's account of a funeral in a Californian tribe, the Sen-él, among whom, by a man, a "quite new and fine" coat, and by women, "their gaudiest dresses" were thrown on the pyre; or the account by Young of the Blackfeet, who, on such occasions, divested "themselves of clothing even in the coldest weather."—(Dr. H. C. Yarrow's *Introduction to the Study of Mortuary*

firmed on observing that like acts become acts of religious subordination. Isaiah, himself setting the example, exhorts the rebellious Israelites to make their peace with Jahveh in the words—"Strip you, and make you bare, and gird sackcloth upon your loins." So, too, the fourscore men who came from Shechem, Shiloh, and Samaria, to propitiate Jahveh, besides cutting their hair and gashing themselves, tore their clothes. Nor does the parallelism fail with baring the feet. This was a sign of mourning among the Hebrews; as is shown by the command in Ezekiel (xxiv. 17), "Forbear to cry, make no mourning for the dead, bind the tire of thine head upon thee, and put on thy shoes upon thy feet." And then, among the Hebrews, putting off the shoes was also an act of worship. Elsewhere, too, it occurred as in common a mark of political subordination and of religious subordination. Of the Peruvians, who went barefoot into the presence of the Ynca, we read that "all took off their shoes, except the king, at two hundred paces before reaching the doors [of the temple of the Sun]; but the king remained with his shoes on until he came to the doors." Once more, the like holds with baring the head. Used along with other ceremonial acts to propitiate the living superior, this is used also to propitiate the spirit

Customs among the North American Indians, pp. 55 and 67.) For, if, to propitiate the ghost, the best clothing is sacrificed, the implication is that inferior or inadequate clothing remains for use. Hence comes "the chief mourner being clad in moss" among the Santee Indians (p. 38). The more obvious and still-continuing motive is that grief is inconsistent with wearing the best, which is usually the gayest, clothing. Thus we read that among the Choctaws the "widow wholly neglects her toilet," and that among the Chippewas she is "not permitted to wear any finery" for twelve moons (Yarrow, pp. 92–3). In a letter of a deceased relative of mine, dated 1810, I find an instructive example of the way in which natural feeling prompts this putting on of inferior clothes. Speaking of a conversation held with a pedler concerning an eccentric but benevolent man, the writer describes the pedler as praising him and saying, "he thought he should put on his worst clothes when he died." That is, not being able to afford mourning, he proposed to revert to this primitive method of showing sorrow.

of the ordinary dead, and the spirit of the apotheosized dead. Uncovering round the grave continues even among ourselves; and on the Continent, there is uncovering by those who meet a funeral procession. Taking off the hat to images of Christ and the Madonna, out of doors and indoors, was enjoined in old books of manners. Unhatting on the knees when the host is carried by, occurs still in Catholic countries. And habitually men bare their heads on entering places of worship.

Nor must we omit to note that obeisances of this class, too, made first to supreme persons and presently to less powerful persons, diffuse gradually until they become general. Quotations above given have shown incidentally that in Africa partial uncovering of the shoulder is a salute between equals, and that a kindred removal of the cloak in Spain serves a like purpose. Similarly, the going barefoot into a king's presence, and into a temple, originates an ordinary civility. The Damaras take off their sandals before entering a stranger's house; a Japanese leaves his shoes at the door, even when he enters a shop; "upon entering a Turkish house, it is the invariable rule to leave the outer slipper or galosh at the foot of the stairs." And then in Europe, from having been a ceremony of feudal homage and of religious worship, uncovering the head has become an expression of respect due even to a labourer on entering his cottage.

§ 390. These last facts suggest a needful addition to the argument. Something more must be said respecting the way in which all kinds of obeisances between equals, have resulted by diffusion from obeisances which originally expressed surrender to a conqueror.

Proof has been given that rhythmical muscular movements, naturally signifying joy, such as jumping, clapping the hands, and even drumming the ribs with the elbows, become simulated signs of joy used to propitiate a king.

These simulated signs of joy become civilities where there is no difference of rank. According to Grant, "when a birth took place in the Toorkee camp . . . women assembled to rejoice at the door of the mother, by clapping their hands, dancing, and shouting. Their dance consisted in jumping in the air, throwing out their legs in the most uncouth manner, and flapping their sides with their elbows." Where circumstances permit, such emphatic marks of consideration become mutual. On the Slave Coast, "when two persons of equal condition meet each other, they fall both down on their knees together, clap hands, and mutually salute, by wishing each other a good day." In China, during a wedding visit "each visitor prostrated himself at the feet of the bride, and knocked his head upon the ground, saying at the same time, 'I congratulate you! I congratulate you!' whilst the bride, also upon her knees, and knocking her head upon the ground, replied, 'I thank you! I thank you!'" And among the Mosquitos, says Bancroft, "one will throw himself at the feet of another, who helps him up, embraces him, and falls down in his turn to be assisted up and comforted with a pressure." Such extreme instances yield verifications of the inference that the mutual bows, and curtseys, and unhattings, among ourselves, are remnants of the original prostrations and strippings of the captive.

But I give these instances chiefly as introducing the interpretation of a still more familiar observance. Already I have named the fact that between polite Arabs the offer of an inferior to kiss a superior's hand, is resisted by the superior if he is condescending, and that the conflict ends by the inferior kissing his own hand to the superior. Further evidence is given by Malcolm, who says:—"Everyone [Arab] who met a friend took his right hand, and, after shaking it, raised it as high as his breast." And the following, from Niebuhr, is an account of an allied usage:—

"Two Arabs of the desert meeting, shake hands more than ten times. Each kisses his own hand, and still repeats the question, 'How art thou?' . . . In Yemen, each does as if he wished the other's hand, and draws back his own to avoid receiving the same honour. At length, to end the contest, the eldest of the two suffers the other to kiss his fingers."

Have we not here, then, the origin of shaking hands? If of two persons each wishes to make an obeisance to the other by kissing his hand, and each out of compliment refuses to have his own hand kissed, what will happen? Just as when leaving a room, each of two persons, proposing to give the other precedence, will refuse to go first, and there will result at the doorway some conflict of movements, preventing either from advancing; so, if each of two tries to kiss the other's hand, and refuses to have his own kissed, there will result a raising of the hand of each by the other towards his own lips, and by the other a drawing of it down again, and so on alternately. Though at first such an action will be irregular, yet as fast as the usage spreads, and the failure of either to kiss the other's hand becomes a recognized issue, the motions may be expected to grow regular and rhythmical. Clearly the difference between the simple squeeze, to which this salute is now often abridged, and the old-fashioned hearty shake, exceeds the difference between the hearty shake and the movement that would result from the effort of each to kiss the hand of the other.

Even in the absence of this clue yielded by the Arab custom, we should be obliged to infer some such genesis. After all that has been shown, no one can suppose that hand-shaking was ever deliberately fixed upon as a complimentary observance; and if it had a natural origin in some act which, like the rest, expressed subjection, the act of kissing the hand must be assumed, as alone capable of leading to it.

§ 391. Whatever its kind, then, the obeisance has the same root with the trophy and the mutilation. At the mercy of his conqueror, who, cutting off part of his body as a me-

morial of victory, kills him, or else, taking some less important part, marks him as a subject person, the conquered enemy lies prone before him; now on his back, or now with neck under his conqueror's foot, smeared with dirt, weaponless, and with torn clothes or stripped of the trophy-trimmed robe he prized. Thus the prostration, the coating of dust, and the loss of covering, incidental on defeat, become, like the mutilation, recognized proofs of it. Whence result, first of all, the enforced signs of submission of slaves to masters and subjects to rulers; then the voluntary assumptions of humble attitudes before superiors; and, finally, those complimentary movements expressive of inferiority, made by each to the other between equals.

That all obeisances originate in militancy, is a conclusion harmonizing with the fact that they develop along with development of the militant type of society. Attitudes and motions signifying subjection, do not characterize headless tribes and tribes having unsettled chieftainships, like the Fuegians, the Andamanese, the Australians, the Tasmanians, the Esquimaux; and accounts of etiquette among the wandering and almost unorganized communities of North America, make little, if any, mention of actions expressing subordination. It is remarked of the Kamtschadales, who when found were without rulers, that "their manners are quite rude: they never use any civil expression or salutation; never take off their caps, nor bow to one another." On the other hand, in societies compounded and consolidated by militancy which have acquired the militant type of structure, political and social life are characterized by grovelling prostrations. We find them in warlike, cannibal Fiji, where the power of rulers over subjects is unlimited; we find them in Uganda, where war is chronic, where the revenue is derived from plunder, and where it is said of the king out shooting that, "as his highness could not get any game to shoot at, he shot down many people;" we find them in sanguinary Dahomey, where adjacent societies are attacked

to get more heads for decorating the king's palace. Among states more advanced they occur in Burmah and Siam, where the militant type, bequeathed from the past, has left a monarchial power without restraint; in Japan, where there has been a despotism evolved and fixed during the wars of early times; and in China, where a kindred form of government, similarly originated, survives. The like happens with kissing the feet as an obeisance. This was the usage in ancient Peru, where the entire nation was under a regimental organization and discipline. It prevails in Madagascar, where the militant structure and activity are decided. And among sundry Eastern peoples, living still, as they have ever done, under autocratic rule, this obeisance exists at present as it existed in the remote past. Nor is it otherwise with complete or partial removals of the dress. The extreme forms of this we saw occur in Fiji and in Uganda; while the less extreme form of baring the body down to the waist was exemplified from Abyssinia and Tahiti, where the kingly power, though great, is less recklessly exercised. So, too, with baring the feet. This was an obeisance to the king in ancient Peru and ancient Mexico, as it is now in Burmah and in Persia—all of them having the despotic government evolved by militancy. And the like relation holds with the other servile obeisances—the putting dust on the head, the assumption of mean clothing, the taking up a burden to carry, the binding of the hands.

The same truth is shown us on comparing the usages of European peoples in early ages, when war was the business of life, with the usages which obtain now that war has ceased to be the business of life. In feudal days homage was shown by kissing the feet, by going on the knees, by joining the hands, by laying aside sundry parts of the dress; but in our days the more humble of these obeisances have, some quite and others almost, disappeared: leaving only the bow, the curtsey, and the raising of the hat, as their representatives. Moreover, it is observable that be-

tween the more militant nations of Europe and the less militant, kindred differences are traceable. On the Continent obeisances are fuller, and more studiously attended to, than they are here. Even from within our own society evidence is forthcoming; for by the upper classes, forming that regulative part of the social structure which here, as everywhere, has been developed by militancy, there is not only at Court, but in private intercourse, greater attention paid to these forms than by the classes forming the industrial structures. And I may add the significant fact that, in the distinctively militant parts of our society—the army and navy—not only is there a more strict performance of prescribed obeisances than in any other of its parts, but, further, that in one of them, specially characterized by the absolutism of its chief officers, there survives a usage analogous to usages in barbarous societies. In Burmah, it is requisite to make "prostrations in advancing to the palace;" the Dahomans prostrate themselves in front of the palace gate; in Fiji, stooping is enjoined as "a mark of respect to a chief or his premises, or a chief's settlement;" and on going on board a British man-of-war, it is the custom to take off the hat to the quarter-deck.

Nor are we without kindred contrasts among the obeisances made to the supernatural being, whether spirit or deity. The wearing sackcloth to propitiate the ghost, as now in China and as of old among the Hebrews, the partial baring of the body and putting dust on the head, still occurring in the East as funeral rites, are not found in advanced societies having types of structure more profoundly modified by industrialism. Among ourselves, most characterized by the extent of this change, obeisances to the dead have wholly disappeared, save in the uncovering at the grave. Similarly with the obeisances used in worship. The baring of the feet when approaching a temple, as in ancient Peru, and the removal of the shoes on entering it, as in the East, are acts finding no parallels here on

any occasion, or on the Continent, save on occasion of penance. Neither the prostrations and repeated knockings of the head upon the ground by the Chinese worshipper, nor the kindred attitude of the Mahommedan at prayers, occurs where freer forms of social institutions, proper to the industrial type, have much qualified the militant type. Even going on the knees as a form of religious homage, has, among ourselves, fallen greatly into disuse; and the most unmilitant of our sects, the Quakers, make no religious obeisances whatever.

The connexions thus traced, parallel to connexions already traced, are at once seen to be natural on remembering that militant activities, intrinsically coercive, necessitate command and obedience; and that therefore where they predominate, signs of submission are insisted upon. Conversely, industrial activities, whether exemplified in the relations of employer and employed or of buyer and seller, being carried on under agreement, are intrinsically non-coercive; and therefore, where they predominate, only fulfilment of contract is insisted upon: whence results decreasing use of the signs of submission.

CHAPTER VII.

FORMS OF ADDRESS.

§ 392. What an obeisance implies by acts, a form of address says in words. If the two have a common root this is to be anticipated; and that they have a common root is demonstrable. Instances occur in which the one is recognized as equivalent to the other. Speaking of Poles and Sclavonic Silesians, Captain Spencer remarks—

> "Perhaps no distinctive trait of manners more characterizes both than their humiliating mode of acknowledging a kindness, their expression of gratitude being the servile "Upadam do nog" (I fall at your feet), which is no figure of speech, for they will literally throw themselves down and kiss your feet for the trifling donation of a few halfpence."

Here, then, the attitude of the conquered man beneath the conqueror is either actually assumed or verbally assumed; and when used, the oral representation is a substitute for the realization in act. Other cases show us words and deeds similarly associated; as when a Turkish courtier, accustomed to make humble obeisances, addresses the Sultan—"Centre of the Universe! Your's slave's head is at your feet;" or as when a Siamese, whose servile prostrations occur daily, says to his superior—"Lord Benefactor, at whose feet I am;" to a prince—"I, the sole of your foot;" to the king—"I, a dust-grain of your sacred feet." Early European manners furnish kindred evidence. In Russia down to the seventeenth century, a

petition began with the words—" So and so strikes his forehead " [on the ground]; and petitioners were called " forehead strikers." At the Court of France as late as 1577, it was the custom of some to say—" I kiss your grace's hands," and of others to say—" I kiss your lordship's feet." Even now of Spain, where orientalisms linger, we read—" When you get up to take leave, if of a lady, you should say, ' My lady, I place myself at your feet; ' to which she will reply, ' I kiss your hand, sir.' "

From what has gone before, such origins and such characters of forms of address might be anticipated. Along with other ways of propitiating the victor, the master, the ruler, will naturally come speeches which, beginning with confessions of defeat by verbal assumptions of its attitude, will develop into varied phrases acknowledging servitude. The implication, therefore, is that forms of address in general, descending as they do from these originals, will express, clearly or vaguely, ownership by, or subjection to, the person addressed.

§ 393. Of propitiatory speeches there are some which, instead of describing the prostration entailed by defeat, describe the resulting state of being at the mercy of the person addressed. One of the strangest of these occurs among the cannibal Tupis. While, on the one hand, a warrior shouts to his enemy—" May every misfortune come upon thee, my meat! " on the other hand, the speech required from the captive Hans Stade on approaching a dwelling, was—" I, your food, have come: " that is—my life is at your disposal. Then, again, instead of professing to live only by permission of the superior, actual or pretended, who is spoken to, we find the speaker professing to be personally a chattel of his, or to be holding property at his disposal, or both. Africa, Asia, Polynesia, and Europe, furnish examples. " When a stranger enters the house of a Serracolet (Inland Negro), he goes out and says—' White

man, my house, my wife, my children belong to thee.'" Around Delhi, if you ask an inferior "'Whose horse is that?' he says 'Slave's,' meaning his own; or he may say —'It is your highnesses',' meaning that, being his, it is at your disposal." In the Sandwich Islands a chief, asked respecting the ownership of a house or canoe possessed by him, replies—"It is yours and mine." In France, in the fifteenth century, a complimentary speech made by an abbé on his knees to the queen when visiting a monastery was—"We resign and offer up the abbey with all that is in it, our bodies, as our goods." And at the present time in Spain, where politeness requires that anything admired by a visitor shall be offered to him, "the correct place of dating [a letter] from should be . . . from this *your* house, wherever it is; you must not say from this *my* house, as you mean to place it at the disposition of your correspondent."

But these modes of addressing a real or fictitious superior, indirectly asserting subjection to him in body and effects, are secondary in importance to the direct assertions of slavery and servitude; which, beginning in barbarous days, have persisted down to the present time.

§ 394. Hebrew narratives have familiarized us with the word "servant," as applied to himself by a subject or inferior, when speaking to a ruler or superior. In our days of freedom, the associations established by daily habit have obscured the fact that "servant" as used in translations of old records, means "slave"—implies the condition fallen into by a captive taken in war. Consequently when, as often in the Bible, the phrases "thy servant" or "thy servants" are uttered before a king, they must be taken to signify that same state of subjugation which is more circuitously signified by the phrases quoted in the last section. Clearly this self-abasing word was employed, not by attendants only, but by conquered peoples, and by subjects at large; as we see when the unknown David, ad-

dressing Saul, describes both himself and his father as Saul's servants. And kindred uses of the word to rulers have continued down to modern times.

Very early, however, professions of servitude, originally made only to one of supreme authority, came to be made to those of subordinate authority. Brought before Joseph in Egypt, and fearing him, his brethren call themselves his servants or slaves; and not only so, but speak of their father as standing in a like relation to him. Moreover, there is evidence that this form of address extended to the intercourse between equals where a favour was to be gained; as witness Judges xix. 19. And we have seen in the last section that even still in India, a man shows his politeness by calling himself the slave of the person addressed. How in Europe a like diffusion has taken place, need not be shown further than by exemplifying some of the stages. Among French courtiers in the sixteenth century it was common to say—"I am your servant and the perpetual slave of your house;" and among ourselves in past times there were used such indirect expressions of servitude as—"Yours to command," "Ever at your worship's disposing," "In all serviceable humbleness," &c. While in our days, rarely made orally save in irony, such forms have left only their written representatives—"Your obedient servant," "Your humble servant;" reserved for occasions when distance is to be maintained, and for this reason often having inverted meanings.

That for religious purposes the same propitiatory words are employed, is a familiar truth. In Hebrew history men are described as servants of God, just as they are described as servants of the king. Neighbouring peoples are said to serve their respective deities just as slaves are said to serve their masters. And there are cases in which these relations to the visible ruler and to the invisible ruler, are expressed in like ways; as where we read that "The king hath fulfilled the request of his servant," and elsewhere

that " The Lord hath redeemed his servant Jacob." Hence as used in worship, the expression " thy servant " has originated as have all other elements of religious ceremonial.

And here better than elsewhere, may be noted the fact that the phrase " thy son," used to a ruler or superior, or other person, is originally equivalent to " thy servant." On remembering that in rude societies children exist only on sufferance of their parents; and that in patriarchal groups the father had life and death power over his children; we see that professing to be another's son was like professing to be his servant or slave. There are ancient examples demonstrating the equivalence; as when " Ahaz sent messengers to Tiglath-pileser king of Assyria, saying, I am thy servant and thy son: come up and save me." Mediæval Europe furnished instances when, as we saw, rulers offered themselves for adoption by more powerful rulers: so assuming the condition of filial servitude and calling themselves sons; as did Theodebert I. and Childebert II. to the emperors Justinian and Maurice. Nor does there lack evidence that this expression of subordination spreads like the rest, until it becomes a complimentary form of speech. At the present time in India, the man who in compliment professes to be your slave, will, on introducing his son say,—" This is your highness's son." And " a Samoan cannot use more persuasive language than to call himself the son of the person addressed."

§ 395. From those complimentary phrases which express abasement of self, we pass to those which exalt another. Either kind taken alone, is a confession of relative inferiority; and this confession gains in emphasis when the two kinds are joined, as they commonly are.

At first it does not seem likely that eulogies may, like other propitiations, be traced back to the behaviour of the conquered to the conqueror; but we have proof that they do thus originate, certainly in some cases. To the victorious

Ramses II. his defeated foes preface their prayers for mercy by the laudatory words—"Prince guarding the army, valiant with the sword, bulwark of his troops in day of battle, king mighty of strength, great Sovran, Sun powerful in truth, approved of Ra, mighty in victories, Ramses Miamon." Obviously there is no separation between such praises uttered by the vanquished, and those afterwards coming from them as a subject people. We pass without break to glorifying words like those addressed to the king of Siam—"Mighty and august lord! Divine Mercy!" "The Divine Order!" "The Master of Life!" "Sovereign of the Earth!" or those addressed to the Sultan—"The Shadow of God!" "Glory of the Universe!" or those addressed to the Chinese Emperor—"Son of Heaven!" "The Lord of Ten Thousand Years!" or those some years since addressed by the Bulgarians to the emperor of Russia —"O blessed Czar!" "Blissful Czar!" "Orthodox powerful Czar!" or those with which, in the past, speeches to the French monarch commenced—"O very benign! O very great! O very merciful!" And then along with these propitiations by direct flattery, there go others in which the flattery is indirectly conveyed by affected admiration of whatever the ruler says; as when the courtiers of the king of Delhi held up their hands crying—"Wonder, wonder!" after any ordinary speech; or in broad day, if he said it was night, responded—"Behold the moon and the stars!" or as when Russians in past times exclaimed—"God and the prince have willed!" "God and the prince know!"

Eulogistic phrases first used to supreme men, descend to men of less authority, and so downwards. Examples may be taken from those current in France during the sixteenth century—to a cardinal, "the very illustrious and very reverend;" to a marquis, "my very illustrious and much-honoured lord;" to a doctor, "the virtuous and excellent." And from our own past days may be added such complimentary forms of address as—"the right worshipful," to

knights and sometimes to esquires; "the right noble," "the honourable-minded," used to gentlemen; and even to men addressed as Mr., such laudatory prefixes as "the worthy and worshipful." Along with flattering epithets there spread more involved flatteries, especially observable in the East, where both are extreme. On a Chinese invitation-card the usual compliment is—"To what an elevation of splendour will your presence assist us to rise!" Tavernier, from whom I have quoted the above example of scarcely credible flattery from the Court of Delhi, adds, "this vice passeth even unto the people;" and he says that his military attendant, compared to the greatest of conquerors, was described as making the world tremble when he mounted his horse. In these parts of India at the present day, an ordinary official is addressed—"My lord, there are only two who can do anything for me: God is the first, and you are the second;" or sometimes, as a correspondent writes to me—"'Above is God, and your honour is below;' 'Your honour has power to do anything;' 'You are our king and lord;' 'You are in God's place.'"

On reading that in Tavernier's time a usual expression in Persia was—"Let the king's will be done," recalling the parallel expression—"Let God's will be done," we are reminded that various of the glorifying speeches made to kings parallel those made to deities. Where the militant type is highly developed, and where divinity is ascribed to the monarch, not only after death but before, as of old in Egypt and Peru, and as now in Japan, China, and Siam, it naturally results that the eulogies of visible rulers and of rulers who have become invisible, are the same. Having reached the extreme of hyperbole to the king when living, they cannot go further to the king when dead and deified. And the identity thus initiated continues through subsequent stages with deities whose origins are no longer traceable.

§ 396. Into the complete obeisance we saw that there enter two elements, one implying submission and the other implying love; and into the complete form of address two analogous elements enter. With words employed to propitiate by abasing self or elevating the person addressed, or both, are joined words suggestive of attachment to him—wishes for his life, health, and happiness.

Professions of interest in another's well-being and good fortune are, indeed, of earlier origin than professions of subjection. Just as those huggings and kissings which indicate liking are used as complimentary observances by ungoverned, or little-governed, savages, who have no obeisances; so, friendly speeches precede speeches expressing subordination. By the Snake Indians, a stranger is accosted with the words—"I am much pleased, I am much rejoiced;" and among the Araucanians, whose social organization, though more advanced, has not yet been developed by militancy into the coercive type, the formality on meeting, which "occupies ten or fifteen minutes," consists of detailed inquiries about the welfare of each and his belongings, with elaborate felicitations and condolences.

Of course this element of the salutation persists while there grow up the acts and phrases expressing subjection. We saw that along with servile obeisances, good wishes and congratulations are addressed to a superior among Negro nations; and among the Fulahs and the Abyssinians they are elaborate. It is in Asia, however, that the highest developments of them occur. Beginning with such hyperbolic speeches as—"O king, live for ever!" we descend to speeches between equals which, in like exaggerated ways, signify great sympathy; as among the Arabs, who indicate their anxiety by rapidly repeating—"Thank God, how are you?" for some minutes, and who, when well-bred, occasionally interrupt the subsequent conversation by again asking—"How are you?" or as among the Chinese, who on an ordinary visiting billet write—"The tender and

sincere friend of your lordship, and the perpetual disciple of your doctrine, presents himself to pay his duty and make his reverence even to the earth." In Western societies, less despotically governed, professions of liking and solicitude have been less exaggerated; and they have decreased as freedom has increased. In ancient France, at the royal table, "every time the herald cried—'The king drinks!' every one made vœux and cried—'Long live the king!'" And though both abroad and at home the same or an allied speech is still used, it recurs with nothing like the same frequency. So, too, is it with the good wishes expressed in social intercourse. The exclamation—"Long life to your honour!" may, indeed, still be heard; but it is heard among a people who, till late times under personal rule, are even now greatly controlled by their loyalty to representatives of old families. And in parts of the kingdom longer emancipated from feudalism and disciplined by industrialism, the ordinary expressions of interest, abridged to "How do you do?" and "Good-bye," are uttered in a manner implying not much more interest than is felt.

Along with phrases in which divine aid is invoked on behalf of the person saluted, as in the "May God grant you his favours" of the Arab, "God keep you well" of the Hungarian, "God protect you" of the Negro; and along with those which express sympathy by inquiries after health and fortune, which are also widespread; there are some which take their characters from surrounding conditions. One is the oriental "Peace be with you," descending from turbulent times when peace was the great *desideratum*; another is the "How do you perspire?" alleged of the Egyptians; and a still more curious one is "How have the mosquitoes used you?" which, according to Humboldt, is the morning salute on the Orinoco.

§ 397. There remain to be noted those modifications of language, grammatical and other, which, by implication,

exalt the person addressed or abase the person addressing. These have certain analogies with other elements of ceremony. We have seen that where subjection is extreme, the ruler, if he does not keep himself invisible, must, when present, not be looked at; and from the idea that it is an unpardonable liberty to gaze at the supreme person, there has arisen in some countries the usage of turning the back on a superior. Similarly, the practice of kissing the ground before one who is reverenced, or kissing some object belonging to him, implies that the subject is so remote in station, that he may not take the liberty of kissing even the foot or the dress. And in a kindred spirit, the linguistic forms used in compliment have the trait that they avoid direct relations with the individual addressed.

Such forms make their appearance in comparatively early social stages. Of the superior people among the Abipones, we read that "the names of men belonging to this class end in *in;* those of the women, who also partake of these honours, in *en*. These syllables you must add even to substantives and verbs in talking with them." Again, "the Samoan language contains 'a distinct and permanent vocabulary of words which politeness requires to be made use of to superiors, or on occasions of ceremony.'" By the Javans, "on no account is any one, of whatever rank, allowed to address his superior in the common or vernacular language of the country." And of the ancient Mexican language Gallantin says, there is "a special form, called Reverential, which pervades the whole language, and is found in no other . . . this is believed to be the only one [language] in which every word uttered by the inferior reminds him of his social position."

The most general of the indirectnesses which etiquette introduces into forms of address, apparently arise from the primitive superstition about proper names. Conceiving that a man's name is part of his individuality, and that possession of his name gives power over him, savages almost

everywhere are reluctant to disclose names. Whether this is the sole cause, or whether, apart from this, utterance of a man's name is felt to be a liberty taken with him, the fact is that among rude peoples names acquire a kind of sacredness, and taking a name in vain is interdicted: especially to inferiors when speaking to superiors. Hence a curious incidental result. As in early stages personal names are derived from objects, the names of objects have to be disused and replaced by others. Among the Kaffirs "a wife may not publicly pronounce the *i-gama* [the name given at birth] of her husband or any of his brothers; nor may she use the interdicted word in its ordinary sense. . . . The chief's *i-gama* is withdrawn from the language of his people." Again, "the hereditary appellation of the chief of Pango-Pango [in Samoa] being now Maunga, or Mountain, that word must never be used for a hill in his presence, but a courtly term . . . substituted." And then where there exist proper names of a developed kind, there are still kindred restrictions on the general use of them; as in Siam, where "the name of the king must not be uttered by a subject: he is always referred to by a periphrasis, such as 'the master of life,' 'the lord of the land,' 'the supreme head;'" and as in China, where "the 'old man of the house,' 'excellent honourable one,' and 'venerable great prince,' are terms used by a visitor to designate the father of his host."

Similarly, there is avoidance of personal pronouns; which also establish with the individual addressed a relation too immediate to be allowed where distance is to be maintained. In Siam, when asking the king's commands, the pronominal form is, as much as possible, evaded; and that this usage is general among the Siamese is implied by the remark of Père Bruguière, that "they have personal pronouns, but rarely use them." In China, also, this style descends into ordinary intercourse. "If they are not intimate friends, they never say I and You, which would be a

gross incivility. But instead of saying, I am very sensible of the service you have done me, they will say, The service that the Lord or the Doctor has done for his meanest Servant, or his Scholar, has greatly affected me."

We come next to those perversions in the uses of pronouns which raise the superior and lower the inferior. "'I' and 'me' are expressed by several terms in Siamese; as (1) between a master and slave; (2) between a slave and master; (3) between a commoner and a nobleman; (4) between persons of equal rank; while there is, lastly, a form of address which is only used by the priests." Still more developed has this system been by the Japanese. "In Japan all classes have an 'I' peculiar to themselves, which no other class may use; and there is one exclusively appropriated by the Mikado . . . and one confined to women. . . . There are eight pronouns of the second person peculiar to servants, pupils, and children." Though throughout the West, the distinctions established by abusing pronominal forms have been less elaborated, yet they have been well marked. By Germans "in old times . . . all inferiors were spoken to in the third person singular, as 'er': " that is, an oblique form by which the inferior was referred to as though not present, served to disconnect him from the speaker. And then, conversely, "inferiors invariably use the third person plural in addressing their superiors: " a mode which, while dignifying the superior by pluralization, increases the distance of the inferior by its relative indirectness; and a mode which, beginning as a propitiation of those in power, has, like the rest, spread till it has become a general propitiation. In our own speech, lacking such misuse of pronouns as humiliates, there exists only that substitution of the "you" for the "thou," which, once a complimentary exaltation, has now by diffusion wholly lost its ceremonial meaning. That it retained some ceremonial meaning at the time when the Quakers persisted in using "thou" is clear; and that in

still earlier times it was employed to ascribe dignity, is inferable from the fact that during the Merovingian period in France, the kings ordered that they should be addressed in the plural. Whoever fails to think that calling him "you," once served to exalt the person addressed, will be aided by contemplating this perversion of speech in its primitive and more emphatic shape; as in Samoa, where they say to a chief—"Have *you two* come?" or "Are *you two* going?"

§ 398. Since they state in words what obeisances express by acts, forms of address of course have the same general relations to social types. The parallelisms must be noted.

Speaking of the Dacotahs, who are politically unorganized, and who had not even nominal chiefs till the whites began to make distinctions among them, Burton says—"Ceremony and manners in our sense of the word they have none;" and he instances the entrance of a Dacotah into a stranger's house with a mere exclamation meaning "Well." Bailey remarks of the Veddahs that in addressing others, "they use none of the honorifics so profusely common in Singhalese; the pronoun '*to*,' 'thou,' being alone used, whether they are addressing each other or those whose position would entitle them to outward respect." These cases will sufficiently indicate the general fact that where there is no subordination, speeches which elevate the person spoken to and abase the person speaking, do not arise. Conversely, where personal government is absolute, verbal self-humiliations and verbal exaltations of others assume exaggerated forms. Among the Siamese, who are all slaves of the king, an inferior calls himself dust under the feet of a superior, while ascribing to the superior transcendent powers; and the forms of address, even between equals, avoid naming the person addressed. In China, where there is no check on the power of the "Imperial Supreme," the

phrases of adulation and humility, first used in intercourse with rulers and afterwards spreading, have elaborated to such extremes that in inquiring another's name the form is —" May I presume to ask what is your noble surname and your eminent name; " while the reply is—" The name of my cold (or poor) family is ——, and my ignoble name is ——." If we ask where ceremony has initiated the most elaborate misuses of pronouns, we find them in Japan, where wars long ago established a despotism which acquired divine prestige.

Similarly, on contrasting the Europe of past times, characterized by social structures developed by, and fitted for, perpetual fighting, with modern Europe, in which, though fighting on a large scale occurs, it is the temporary rather than the permanent form of social activity, we observe that complimentary expressions, now less used, are also now less exaggerated. Nor does the generalization fail when we compare the modern European societies that are organized in high degrees for war, like those of the Continent, with our own society, not so well organized for war; or when we compare the regulative parts of our own society, which are developed by militancy, with the industrial parts. Flattering superlatives and expressions of devotion are less profuse here than abroad; and much as the use of complimentary language has diminished among our ruling classes in recent times, there remains a greater use of it among them than among the industrial classes: especially those of the industrial classes who have no direct relations with the ruling classes.

These connexions are obviously, like previous ones, necessary. Should any one say that along with the enforced obedience which military organization implies, and which characterizes the whole of a society framed for military action, there naturally go forms of address not expressing submission; and if, conversely, he should say that along with the active exchanging of goods for money, and services

for wages, freely carried on, which characterizes the life of an industrial society, there naturally go exaggerated eulogies of others and servile depreciations of self; his proposition would manifestly be absurd. And the absurdity of this hypothetical proposition serves to bring into view the truth of the actual proposition opposed to it.

CHAPTER VIII.

TITLES.

§ 399. Adhering tenaciously to all his elders taught him, the primitive man deviates into novelty only through unintended modifications. Everyone now knows that languages are not devised but evolve; and the same is true of usages. To many proofs of this, the foregoing chapters have added further proofs.

The like holds of titles. Looked at as now existing, these appear artificial: there is suggested the idea that once upon a time they were consciously settled. But this is no more true than it is true that our common words were once consciously settled. Names of objects and qualities and acts, were at the outset directly or indirectly descriptive; and the names we class as titles were so too. Just as the deaf-mute who calls to mind a person he means by mimicking a peculiarity, has no idea of introducing a symbol; so neither has the savage when he indicates a place as the one where the kangaroo was killed or the one where the cliff fell down; so neither has he when he suggests an individual by referring to some marked trait in his appearance or fact in his life; and so neither has he when he gives those names, literally descriptive or metaphorically descriptive, which now and again develop into titles.

The very conception of a proper name grew up unawares. Among the uncivilized a child becomes known as "Thunderstorm," or "New Moon," or "Father-come-

home," simply from the habit of referring to an event which occurred on its birthday, as a way of raising the thought of the particular child meant. And if afterwards it gets such a name as "Squash-head," or "Dirty-saddle" (Dacotah names), "The Great Archer," or "He who runs up the Hill" (Blackfoot names), this results from spontaneously using an alternative, and sometimes better, means of identification. Evidently the like has happened with such less needful names as titles. These have differentiated from ordinary proper names, by being descriptive of some trait, or some deed, or some function, held in honour.

§ 400. Various savage races give a man a name of renown in addition to, or in place of, the name by which he was previously known, on the occasion of a great achievement in battle. The Tupis furnish a good illustration. "The founder of the [cannibal] feast took an additional name as an honourable remembrance of what had been done, and his female relations ran through the house shouting the new title." And of these same people Hans Stade says,—"So many enemies as one of them slays, so many names does he give himself; and those are the noblest among them who have many such names." In North America, too, when a young Creek Indian brings his first scalp, he is dubbed a man and a warrior, and receives a "war-name." Among the people of ancient Nicaragua, this practice had established a general title for such: they called one who had killed another in battle *tapalique;* and *cabra* was an equivalent title given by the Indians of the Isthmus.

That descriptive names of honour, thus arising during early militancy, become in some cases official names, we see on comparing evidence furnished by two sanguinary and cannibal societies in different stages of advance. In Fiji, "warriors of rank receive proud titles, such as 'the divider of' a district, 'the waster of' a coast, 'the depopulator of'

an island—the name of the place in question being affixed." And then in ancient Mexico, the names of offices filled by the king's brothers or nearest relatives were, one of them, "Cutter of men," and another, "Shedder of blood."

Where, as among the Fijians, the conceived distinction between men and gods is vague, and the formation of new gods by apotheosis of chiefs continues, we find the gods bearing names like those given during their lives to ferocious warriors. "The Woman-stealer," "the Brain-eater," "the Murderer," "Fresh-from-slaughter," are naturally such divine titles as arise from descriptive naming among ancestor-worshipping cannibals. That sundry titles of the gods worshipped by superior races have originated in a kindred manner, is implied by the ascription of conquests to them. Be they the Egyptian deities, the Babylonian deities, or the deities of the Greeks, their power is represented as having been gained by battle; and with accounts of their achievements are in some cases joined congruous descriptive names, such as that of Mars—"the Blood-stainer," and that of the Hebrew god—"the Violent One;" which, according to Keunen, is the literal interpretation of Shaddai.

§ 401. Very generally among primitive men, instead of the literally-descriptive name of honour, there is given the metaphorically-descriptive name of honour. Of the Tupis, whose ceremony of taking war-names is instanced above, we read that "they selected their appellations from visible objects, pride or ferocity influencing their choice." That such names, first spontaneously given by applauding companions and afterwards accorded in some deliberate way, are apt to be acquired by men of the greatest prowess, and so to become names of rulers, is suggested by what Ximenez tells us respecting the semi-civilized peoples of Guatemala. Their king's names enumerated by him are—"Laughing Tiger," "Tiger of the Wood," "Oppressing Eagle," "Eagle's Head," "Strong Snake." Throughout Africa

the like has happened. The king of Ashantee has among his glorifying names "Lion" and "Snake." In Dahomey, titles thus derived are made superlative: the king is "the Lion of Lions." And in a kindred spirit the king of Usambara is called "Lion of Heaven:" a title whence, should this king undergo apotheosis, myths may naturally result. From Zulu-land, along with evidence of the same thing, there comes an illustration of the way in which names of honour derived from imposing objects, animate and inanimate, are joined with names of honour otherwise derived, and pass into certain of those forms of address lately dealt with. The titles of the king are—"The noble elephant," "Thou who art for ever," "Thou who art as high as the heavens," "The black one," "Thou who art the bird who eats other birds," "Thou who art as high as the mountains," &c. Shooter shows how these Zulu titles are used, by quoting part of a speech adressed to the king—"You mountain, you lion, you tiger, you that are black. There is none equal to you." Further, there is proof that names of honour thus originating, pass into titles applied to the position occupied, rather than to the occupant considered personally; for a Kaffir chief's wife "is called the Elephantess, while his great wife is called the Lioness."

Guided by such clues, we cannot miss the inference that the use of kindred names for both kings and gods by extinct historic races, similarly arose. If we find that now in Madagascar one of the king's titles is "Mighty Bull," and are reminded by this that to the conquering Ramses a like laudatory name was given by defeated foes, we may reasonably conclude that from animal-names thus given to kings, there resulted the animal-names anciently given as names of honour to deities; so that Apis in Egypt became an equivalent for Osiris and the Sun, and so that Bull similarly became an equivalent for the conquering hero and Sun-god Indra.

With titles derived from imposing inanimate objects it

is the same. We have seen how, among the Zulus, the hyperbolic compliment to the king—"Thou who art as high as the mountains," passes from the form of simile into the form of metaphor when he is addressed as "you Mountain." And that the metaphorical name thus used sometimes becomes a proper name, proof comes from Samoa; where, as we saw, "the chief of Pango-Pango" is "now Maunga, or Mountain." There is evidence that by sundry ancestor-worshipping peoples, divine titles are similarly derived. The Chinooks and Navajos and Mexicans in North America, and the Peruvians in South America, regard certain mountains as gods; and since these gods have other names, the implication is that in each case an apotheosized man had received in honour either the general name Mountain, or the name of a particular mountain, as has happened in New Zealand. From complimentary comparisons to the Sun, result not only personal names of honour and divine names, but also official titles. On reading that the Mexicans distinguished Cortes as "the offspring of the Sun," and that the Chibchas called the Spaniards in general "children of the Sun,"—on reading that "child of the Sun" was a complimentary name given to any one particularly clever in Peru, where the Yncas, regarded as descendants of the Sun, successively enjoyed a title hence derived; we are enabled to understand how "Son of the Sun" came to be a title borne by the successive Egyptian kings, joined with proper names individually distinctive of them. In elucidation of this as well as of sundry other points, let me add an account of a reception at the court of Burmah which has occurred since the foregoing sentences were first published:—

"A herald lying on his stomach read aloud my credentials. The literal translation is as follows: 'So-and-So, a great newspaper teacher of the *Daily News* of London, tenders to his Most Glorious Excellent Majesty, Lord of the Ishaddan, King of Elephants, master of many white elephants, lord of the mines of gold, silver, rubies, amber, and the noble serpentine, Sovereign of the Empires of Thuna-

paranta and Tampadipa, and other great empires and countries, and of all the umbrella-wearing chiefs, the supporter of religion, the Sun-descended Monarch, arbiter of life, and great, righteous King, King of Kings, and possessor of boundless dominions and supreme wisdom, the following presents.' The reading was intoned in a comical high recitative, strongly resembling that used when our Church service is intoned; and the long-drawn 'Phya-a-a-a-a' (my lord) which concluded it, added to the resemblance, as it came in exactly like the 'Amen' of the Liturgy." [Showing the kinship in religious worship.]

Given, then, the metaphorically-descriptive name, and we have the germ from which grow up these primitive titles of honour; which, at first individual titles, become in some cases titles attaching to the offices filled.

§ 402. To say that the words which in various languages answer to our word "God," were originally descriptive words, will be startling to those who, unfamiliar with the facts, credit the savage with thoughts like our own; and will be repugnant to those who, knowing something of the facts, yet persist in asserting that the conception of a universal creative power was possessed by man from the beginning. But whoever studies the evidence without bias, will find proof that the general word for deity was at first simply a word expressive of superiority. Among the Fijians the name is applied to anything great or marvellous; among the Malagasy to whatever is new, useful, or extraordinary; among the Todas to everything mysterious, so that, as Marshall says, "it is truly an adjective noun of eminence." Applied alike to animate and inanimate things, as indicating some quality above the common, the word is in this sense applied to human beings, both living and dead; but as the dead are supposed to have mysterious powers of doing good and evil to the living, the word comes to be especially applicable to them. Though ghost and god have with us widely-distinguished meanings, yet they are originally equivalent words; or rather, originally, there is

but one word for a supernatural being. And since in early belief, the other-self of the dead man is equally visible and tangible with the living man, so that it may be slain, drowned, or otherwise killed a second time—since the resemblance is such that it is difficult to learn what is the difference between a god and a chief among the Fijians—since the instances of theophany in the Iliad prove that the Greek god was in all respects so like a man that special insight was required to discriminate him; we see how naturally it results that the name "god," given to a powerful being thought of as usually, but not always, invisible, is sometimes given to a visible powerful being. Indeed, as a sequence of this theory, it inevitably happens that men transcending in capacity those around them, are suspected to be these returned ghosts or gods, to whom special powers are ordinarily ascribed. Hence the fact that, considered as the doubles of their own deceased people, Europeans are called ghosts by Australians, New Caledonians, Darnley Islanders, Kroomen, Calabar people, Mpongwe, &c. Hence the fact that they are called by the alternative name gods by Bushmen, Bechuanas, East Africans, Fulahs, Khonds, Fijians, Dyaks, Ancient Mexicans, Chibchas, &c. Hence the fact that, using the word in the above sense, superior men among some uncivilized peoples call themselves gods.

The original meaning of the word being thus understood, we need feel no surprise on finding that "God" becomes a title of honour. The king of Loango is so called by his subjects; as is also the king of Msambara. At the present time among wandering Arabs, the name "God" is applied in no other sense than as the generic name of the most powerful living ruler known to them. This makes more credible than it might else be, the statement that the Grand Lama, personally worshipped by the Tartars, is called by them "God, the Father." It is in harmony with such other facts as that Radama, king of Madagascar, is addressed by the women who sing his praises as—"O our God;"

and that to the Dahoman king the alternative word "Spirit" is used; so that, when he summons any one, the messenger says—"The Spirit requires you," and when he has spoken, all exclaim—"The Spirit speaketh true." All which facts make comprehensible that assumption of Θεός as a title by ancient kings in the East, which is to moderns so astonishing.

Descent of this name of honour into ordinary intercourse, though not common, does sometimes occur. After what has been said, it will not appear strange that it should be applied to deceased persons; as it was by the ancient Mexicans, who "called any of their dead *teotl* so and so—i. e., this or that god, this or that saint." And prepared by such an instance we shall understand its occasional use as a greeting between the living. Colonel Yule says of the Kasias, "the salutation at meeting is singular—'Kublé! oh God.'"

§ 403. The connexion between "God" as a title and "Father" as a title, becomes clear on going back to those early forms of conception and language in which the two are undifferentiated. The fact that even in so advanced a language as Sanscrit, words which mean "making," "fabricating," "begetting," or "generating," are indiscriminately used for the same purpose, suggests how naturally in the primitive mind, a father, as begetter or causer of new beings, ceasing at death to be visible, is then associated in word and thought with dead and invisible causers at large, who, some of them acquiring pre-eminence, come to be regarded as causers in general—makers or creators. When Sir Rutherford Alcock remarks that "a spurious mixture of the theocratic and patriarchal elements form the bases of all government, both in the Celestial and the Japanese Empires, under emperors who claim not only to be each the patriarch and father of his people, but also Divine descent;" he adds another to the misinterpretations produced

by descending from our own higher conceptions, instead of ascending from the lower conceptions of the primitive man. For what he thinks a "spurious mixture" of ideas is, in fact, a normal union of ideas; which, in the cases named, has persisted longer than commonly happens in developed societies.

The Zulus show us this union very clearly. They have traditions of Unkulunkulu (literally, the old, old one), "who was the first man," "who came into being and begat men," "who gave origin to men and everything besides" (including the sun, moon, and heavens), and who is inferred to have been a black man because all his descendants are black. The original Unkulunkulu is not worshipped by them, because he is supposed to be permanently dead; but instead of him the Unkulunkulus of the various tribes into which his descendants have divided, are severally worshipped, and severally called "Father." Here, then, the ideas of a Creator and a Father are directly connected. Equally specific, or even more specific, are the ideas conveyed in the response which the ancient Nicaraguans gave to the question—"Who made heaven and earth?" After their first answers, "Tamagastad and Cipattoval," "our great gods whom we call *teotes*," cross-examination brought out the further answers—"Our fathers are these *teotes*;" "all men and women descend from them;" "they are of flesh and are man and woman;" "they walked over the earth dressed, and ate what the Indians ate." Gods and first parents being thus identified, fatherhood and divinity become allied ideas. The remotest ancestor supposed to be still existing in the other world to which he went, "the old, old one," or "ancient of days," becomes the chief deity; and so "father" is not, as we suppose, a metaphorical equivalent for "god," but a literal equivalent.

Therefore it happens that among all nations we find it an alternative title. In the before-quoted prayer of the New Caledonian to the ghost of his ancestor—"Compas-

sionate father, here is some food for you; eat it; be kind to us on account of it"—we are shown that original identification of fatherhood and godhood, to which all mythologies and theologies carry us back. We see the naturalness of the facts that the Peruvian Yncas worshipped their father the Sun; that Ptah, the first of the dynasty of the gods who ruled Egypt, is called "the father of the father of the gods;" and that Zeus is "father of gods and men."

After contemplating many such early beliefs, in which the divine and the human are so little distinguished, or after studying the beliefs still extant in China and Japan, where the rulers, "sons of heaven," claim descent from these most ancient fathers or gods; it is easy to see how the name father in its higher sense, comes to be applied to a living potentate. His proximate and remote ancestors being all spoken of as fathers, distinguished only by the prefixes grand, great great, &c., it results that the name father, given to every member of the series, comes to be given to the last of the series still living. With this cause is joined a further cause. Where establishment of descent in the male line has initiated the patriarchal family, the name father, even in its original meaning, comes to be associated with supreme authority, and to be therefore a name of honour. Indeed, in nations formed by the compounding and re-compounding of patriarchal groups, the two causes coalesce. The remotest known ancestor of each compound group, at once the most ancient father and the god of the compound group, being continuously represented in blood, as well as in power, by the eldest descendant of the eldest, it happens that this patriarch, who is head not of his own group only but also of the compound group, stands to both in a relation analogous to that in which the apotheosized ancestor stands; and so combines in a measure the divine character, the kingly character, and the paternal character.

Hence the prevalence of this word as a royal title. It is

used equally by American Indians and by New Zealanders in addressing the rulers of the civilized. We find it in Africa. Of the various names for the king among the Zulus, father heads the list; and in Dahomey, when the king walked from the throne to the palace, "every inequality was pointed out, with finger snappings, lest it might offend the royal toe, and a running accompaniment of 'Dadda! Dadda!' (Grandfather! Grandfather!) and of 'Dedde! Dedde!' (softly! softly!) was kept up." Asia supplies cases in which the titles "Lord Raja and Lord Father" are joined. In Russia, at the present time, father is a name applied to the Czar; and of old in France, under the form *sire*, it was the common name for potentates of various grades—feudal lords and kings; and ever continued to be a name of address to the throne.*

More readily than usual, perhaps from its double meaning, has this title been diffused. Everywhere we find it the name for any kind of superior. Not to the king only among the Zulus is the word "baba," father, used; but also by inferiors of all ranks to those above them. In Dahomey a slave applies this name to his master, as his master applies it to the king. Livingstone tells us that he was referred to as "our father" by his attendants; as also was Burchell by the Bachassins. It was the same of old in the East; as when "his servants came near, and spake unto Naaman, and said, My father," &c.; and it is the same in the remote East at the present time. A Japanese "apprentice addresses his patron as 'father.'" In Siam "children of the

* Though the disputes respecting the origins of *sire* and *sieur* have ended in the conclusion that they are derived from the same root, meaning originally elder, yet it has become clear that *sire* was a contracted form in use earlier than *sieur* (the contracted form of *seigneur*), and hence acquired a more general meaning, which became equivalent to father. Its applicability to various persons of dignity besides the *seigneur*, is evidence of its previous evolution and spread; and that it had a meaning equivalent to father, is shown by the fact that in early French, *grant-sire* was an equivalent for *grand-père*, and also by the fact that *sire* was not applicable to an unmarried man.

nobles are called 'father and mother' by their subordinates." And Huc narrates how he saw Chinese labourers prostrating themselves before a mandarin exclaiming—"Peace and happiness to our father and mother." Then, as a stage in the descent to more general use, may be noted its extension to those who, apart from their rank, have acquired the superiority ascribed to age: a superiority sometimes taking precedence of rank, as in Siam, and in certain ways in Japan and China. Such extension occurred in ancient Rome, where *pater* was at once a magisterial title and a title given by the younger to the elder, whether related or not. In Russia at the present time, the equivalent word is used to the Czar, to a priest, and to any aged man. Eventually it spreads to young as well as old. Under the form *sire*, at first applied to feudal rulers, major and minor, the title "father" originated our familiar *sir*.

A curious group of derivatives, common among uncivilized and semi-civilized peoples, must be named. The wish to compliment by ascribing that dignity which fatherhood implies, has in many places led to the practice of replacing a man's proper name by a name which, while it recalls this honourable paternity, distinguishes him by the name of his child. The Malays have "the same custom as the Dyaks of taking the name of their first-born, as Pa Sipi, the father of Sipi." The usage is common in Sumatra; and equally prevails in Madagascar. It is so too among some Indian Hill tribes: the Kasias "address each other by the names of their children, as Pabobon, father of Bobon!" Africa also furnishes instances. Bechuanas addressing Mr. Moffat, used to say—"I speak to the Father of Mary." And in the Pacific States of North America there are people so solicitous to bear this primitive name of honour, that until a young man has children, his dog stands to him in the position of a son, and he is known as the father of his dog.

§ 404. The supremacy associated with age in patriarchal groups, and in societies derived by composition from patriarchal groups, shown primarily in that honouring of parents which, as in the Jewish commandments, is put next to the worship of God, and secondarily in the honouring of old men in general, gives rise to a kindred but divergent group of titles. Age being dignified, words indicating seniority become names of dignity.

The beginnings may be discerned among the uncivilized. Counsels being formed of the older men, the local name for an older man becomes associated in thought with an office of power and therefore of honour. Merely noting this, it will suffice if we trace in European language the growth of titles hence resulting. Among the Romans *senator*, or member of the *senatus*, words having the same root with *senex*, was a name for a member of the assembly of elders; and in early times these senators or elders, otherwise called *patres*, represented the component tribes: father and elder being thus used as equivalents. From the further cognate word *senior*, we have, in derived languages, *signior*, *seigneur*, *senhor;* first applied to head men, rulers, or lords, and then by diffusion becoming names of honour for those of inferior rank. The same thing has happenel with *ealdor* or *aldor*. Of this Max Müller says,—"like many other titles of rank in the various Teutonic tongues, it is derived from an adjective implying age;" so that "earl" and "alderman," both originating from this root, are names of honour similarly resulting from that social superiority gained by advanced years.

Whether or not the German title *graf* should be added, is a moot point. If Max Müller is right in considering the objections of Grimm to the current interpretation inadequate, then the word originally means grey; that is, grey-headed.

§ 405. We may deal briefly with the remaining titles; which re-illustrate, in their respective ways, the general principle set forth.

Like other names of honour that grew up in early times, the name "king" is one concerning the formation of which there are differences of opinion. By general agreement, however, its remote source is the Sanscrit *ganaka;* and "in Sanscrit, *ganaka* means producing, parent, then king." If this is the true derivation, we have simply an alternative title for the head of the family-group, of the patriarchal group, and of the cluster of patriarchal groups. The only further fact respecting it calling for remark, is the way in which it becomes compounded to produce a higher title. Just as in Hebrew, Abram, meaning "high father," came to be a compound used to signify the fatherhood and headship of any minor groups; and just as the Greek and Latin equivalents to our patriarch, signified by implication, if not directly, a father of fathers; so in the case of the title "king," it has happened that a potentate recognized as dominant over numerous potentates, has in many cases been descriptively called "king of kings." In Abyssinia this compound royal name is used down to the present time; as we lately saw that it is also in Burmah. Ancient Egyptian monarchs assumed it; and it occurred as a supreme title in Assyria. And here again we meet a correspondence between terrestrial and celestial titles. As "father" and "king" are applied in common to the visible and to the invisible ruler; so, too, is "king of kings."

This need for marking by some additional name the ruler who becomes head over many rulers, leads to the introduction of other titles of honour. In France, for example, while the king was but a predominant feudal noble, he was addressed by the title *sire*, which was a title borne by feudal nobles in general; but towards the end of the fifteenth century, when his supremacy became settled, the additional word "majesty" grew into use as specially ap-

plicable to him. Similarly with the names of secondary potentates. In the earlier stages of the feudal period, the titles baron, marquis, duke, and count, were often confounded: the reason being that their attributes as feudal nobles, as guards of the marches, as military leaders, and as friends of the king, were so far common to them as to yield no clear grounds for distinction. But along with differentiation of functions went differentiation of these titles.

"The name 'baron,'" says Chéruel, "appears to have been the generic term for every kind of great lord, that of duke for every kind of military chief, that of count and marquis for every ruler of a territory. These titles are used almost indiscriminately in the romances of chivalry. When the feudal hierarchy was constituted, the name baron denoted a lord inferior in rank to a count and superior to a simple knight."

That is to say, with the progress of political organization and the establishment of rulers over rulers, certain titles became specialized for the dignifying of the superiors, in addition to those which they had in common with the inferiors.

As is shown by the above cases, special titles, like general titles, are not made but grow—are at first descriptive. Further to exemplify their descriptive origin, and also to exemplify the undifferentiated use of them in early days, let me enumerate the several styles by which, in the Merovingian period, the mayors of the palace were known; viz. *major domûs regiæ*, *senior domûs*, *princeps domûs*, and in other instances *præpositus*, *præfectus*, *rector*, *gubernator*, *moderator*, *dux*, *custos*, *subregulus*. In which list (noting as we pass how our own title "mayor," said to be derived from the French *maire*, is originally derived from the Latin *major*, meaning either greater or elder) we get proof that other names of honour carry us back to words implying age as their originals; and that in place of such descriptive words, the alternative words used describe functions.

§ 406. Perhaps better in the case of titles than in any other case, is illustrated the diffusion of ceremonial forms that are first used to propitiate the most powerful only.

Uncivilized and semi-civilized peoples, civilized peoples of past times, and existing civilized peoples, all furnish examples. Among Samoans "it is usual, in the courtesies of common conversation, for all to call each other chiefs. If you listen to the talk of little boys even, you will hear them addressing each other as *chief* this, that, and the other thing." In Siam, a man's children by any of his inferior wives, address their father as "my lord, the king;" and the word Naï, which is the name for chief among the Siamese, "has become a term of civility which the Siamese give to one another." A kindred result has occurred in China, where sons speak of their father as "family's majesty," "prince of the family;" and China supplies a further instance which is noteworthy because it is special. Here, where the supremacy of ancient teachers became so great, and where the titles *tze* or *futze*, signifying "great teacher," added to their names, were subsequently added to the names of distinguished writers, and where class distinctions based on intellectual eminence characterize the social organization; it has resulted that this name of honour signifying teacher, has become an ordinary complimentary title. Ancient Rome furnishes other evidences. The spirit which led to the diffusion of titles is well shadowed forth by Mommsen in describing the corrupt giving of public triumphs that were originally accorded only to a "supreme magistrate who augmented the power of the State in open battle."

"In order to put an end to peaceful triumphators, . . . the granting of a triumph was made to depend on the producing proof of a pitched battle which had cost the lives of at least five thousand of the enemy; but this proof was frequently evaded by false bulletins. . . . Formerly the thanks of the community once for all had sufficed for service rendered to the State; now every meritorious act seemed to demand a permanent distinction. . . . A custom came into vogue, by

which the victor and his descendants derived a permanent surname from the victories they had won. . . . The example set by the higher was followed by the humbler classes."

And under influences of this kind, *dominus* and *rex* eventually became titles used to ordinary persons. Nor do modern European nations fail to exemplify the process. The prevalence of names of rank on the continent, often remarked, reaches in some places great extremes. "In Mecklenburg," says Captain Spencer, "it is computed that the nobility include one half of the population. . . . At one of the inns I found a Herr Graf [Count] for a landlord, a Frau Gräfinn [Countess] for a landlady, the young Herren Gräfen filled the places of ostler, waiter, and boots, while the fair young Fräulein Gräfinnen were the cooks and chambermaids. I was informed that in one village . . . the whole of the inhabitants were noble except four."

French history shows us more clearly perhaps than any other, the stages of diffusion. Noting that in early days, while *madame* was the title for a noble lady, *mademoiselle* was used to the wife of an advocate or physician; and that when, in the sixteenth century, *madame* descended to the married women of these middle ranks, *mademoiselle* descended from them to the unmarried women; let us look more especially at the masculine titles, *sire*, *seigneur*, *sieur*, and *monsieur*. Setting out with *sire* as an early title for a feudal noble, we find, from a remark of Montaigne, that in 1580, though still applicable in a higher sense to the king, it had descended to the vulgar, and was not used for intermediate grades. *Seigneur*, introduced as a feudal title while *sire* was losing its meaning by diffusion, and for a period used alternatively with it, became, in course of time, contracted into *sieur*. By and by *sieur* also began to spread to those of lower rank. Afterwards, re-establishing a distinction by an emphasizing prefix, there came into use *monsieur;* which, as applied to great seigneurs, was new in 1321, and which came also to be the title of sons of kings

and dukes. And then by the time that *monsieur* also had become a general title among the upper classes, *sieur* had become a bourgeois title. Since which time, by the same process, the early *sire* and the later *sieur* dying out, have been replaced by the universal *monsieur*. So that there appear to have been three waves of diffusion: *sire*, *sieur*, and *monsieur* have successively spread downwards. Nay, even a fourth may be traced. The duplication of the *monsieur* on a letter, doubtless at first used to mark a distinction, has ceased to mark a distinction.

How by this process high titles eventually descend to the very lowest people, we are shown most startingly in Spain; where "even beggars address each other as Señor y Caballero—Lord and Knight."

§ 407. For form's sake, though scarcely otherwise, it is needful to point out that we are taught here the same lesson as before. The title-giving among savages which follows victory over a foe, brute or human, and which literally or metaphorically distinguishes the individual by his achievement, unquestionably originates in militancy. Though the more general names father, king, elder, and their derivatives, which afterwards arise, are not directly militant in their implications, yet they are indirectly so; for they are the names of rulers evolved by militant activity, who habitually exercise militant functions: being in early stages always the commanders of their subjects in battle. Down to our most familiar titles we have this genesis implied. "Esquire" and "Mister" are derived the one from the name of a knight's attendant and the other from the name *magister* —originally a ruler or chief, who was a military head by origin and a civil head by development.

As in other cases, comparisons of societies of different types disclose this relation in another way. Remarking that in sanguinary and despotic Dahomey, the personal name "can hardly be said to exist; it changes with every rank of

the holder," Burton says—"The dignities seem to be interminable; except amongst the slaves and the *canaille*, 'handles' are the rule, not the exception, and most of them are hereditary." So, too, under Oriental despotisms. "The name of every Burman disappears when he gets a title of rank or office, and is heard no more;" and in China, "there are twelve orders of nobility, conferred solely on the members of the imperial house or clan," besides "the five ancient orders of nobility." Europe supplies further evidence. Travellers in both Russia and Germany, with their social organizations adapted to war, comment on the "insane rage for titles of every description:" the results being that in Russia "a police-office clerk belongs to the eighteenth grade, and has the right to the title of Your Honour;" and in Germany the names of rank and names of office so abundantly distributed, are habitually expected and studiously given, in both speech and writing. Meanwhile England, for ages past less militant in type, has ever shown this trait in a smaller degree; and along with the growth of industrialism and accompaying changes of organization, the use of titles in social intercourse has decreased.

With equal clearness is this connexion seen within each society. By the thirteen grades in our army and the fourteen grades in our navy, we are shown that the exclusively-militant structures continue to be characterized in the highest degree by numerous and specific titular marks. To the ruling classes, descendants or representatives of those who in past times were heads of military forces, the higher distinctions of rank still mostly belong; and of remaining titles, the ecclesiastical and legal are also associated with the regulative organization developed by militancy. Meanwhile, the producing and exchanging parts of the society, carrying on industrial activities, only in exceptional cases bear any titles beyond those which, descending and spreading, have almost lost their meanings.

It is indisputable, then, that serving first to commemo-

rate the triumphs of savages over their foes, titles have expanded, multiplied, and differentiated, as conquests have formed large societies by consolidation and re-consolidation of small ones; and that, belonging to the social type generated by habitual war, they tend to lose their uses and their values, in proportion as this type is replaced by one fitted for carrying on the pursuits of peace.

CHAPTER IX.

BADGES AND COSTUMES.

§ 408. The pursuit of interpretations once more takes us back to victories achieved over men or animals. Badges are derived from trophies; with which, in early stages, they are identical. We have seen that by the Shoshones, a warrior is allowed to wear the feet and claws of a grizzly bear, constituting their "highest insignia of glory," only when he has killed one: the trophy being thus made into a recognized mark of honour. And seeing this, we cannot doubt that the buffalo-horns decorating the head of a Mandan chief and indicating his dignity, were at first worn as spoils of the chase in which he prided himself: implying a genesis of a badge out of a trophy, which gives meaning to the head-dresses of certain divine and human personages among ancient peoples.

Beginning as a personal distinction naturally resulting from personal prowess, like the lion's skin which Hercules wears, the trophy-badge borne by a warrior whose superiority gains for him supremacy, tends to originate a family-badge; which becomes a badge of office if his descendants retain power. Hence the naturalness of the facts that in Ukimi "the skin [of a lion] . . . is prepared for the sultan's wear, as no one else dare use it;" that "a leopard-skin mantle is the insignia of rank among the Zoolus;" and that in Uganda, certain of the king's attendants wear "leopard-cat skins girt round the waist, the sign of royal blood."

Of course if skins or other parts of slain beasts, tend thus to become badges, so, too, do parts of slain men. "The Chichimecs flea their heads [of their vanquished enemies] and fit that skin upon their own heads with all the hair, and so wear it as a token of valour, till it rots off in bits." Here the scalp which proves his victory, is itself used in stamping the warrior as honourable. Similarly when, of the Yucatanese, Landa says that "after a victory they tore from the slain enemy the jaw-bone, and having stripped it of flesh, they put it on their arm," we may recognize the beginning of another kind of badge from another kind of trophy. Though clear evidence that jawbones become badges, is not forthcoming, we have good reason to think that substituted representations of them do. After our war with Ashantee, where, as we have seen, jawbones are habitually taken as trophies, there were brought over to England among other curiosities, small models of jawbones made in gold, used for personal adornment. And facts presently to be cited suggest that they became ornaments after having originally been badges worn by those who had actually taken jawbones from enemies.

§ 409. Besides sometimes losing parts of their bodies, which thereupon become trophies, conquered men invariably lose their weapons, which naturally also become trophies; as they did among the Greeks, and as they did again in the time of Charlemagne, to whom swords of subdued chiefs were brought. And if, as we see, parts of vanquished foes' bodies, brute or human, when worn become badges; we may expect that the weapons of the vanquished when carried by the victors, will also become badges.

That swords are thus transformed from trophies into badges, if not directly proved is indirectly implied. In Japan "the constant criterion [of rank] turns upon the wearing of swords. The higher orders wear two . . . the

next in rank wear one. . . . To the lower orders, a sword is strictly prohibited." And since a practice so inconvenient as that of carrying a superfluous sword, is not likely to have been adopted gratuitously; it may be inferred that the "two-sworded man," as he is called, was originally one who, in addition to his own sword, wore a sword taken from an enemy: in which case what is now a badge was once a trophy. Even where both swords are not worn, it results that as the vanquished man is made swordless, the victor's sword marks him as master in contrast with the swordless as slave. Hence, then, the fact that in various countries a sword is a symbol of power. Hence the fact that of old the investiture of princes was in many cases by the girding on of a sword. Hence the use of a sword as an emblem of judicial authority. Implying power and position, the sword is a mark of honour which, in common with all others, has tended to spread downwards; as till lately in Japan, where swordless men in underhand ways acquired the privilege of wearing swords; and as in France, where, two centuries ago, punishments for the unauthorized wearing of swords were inflicted.

Better than the sword does the spear illustrate this genesis of the badge from the trophy; since, while the sword in becoming a badge retains its original shape, the spear in becoming a badge partially loses the aspect of a weapon. In its untransformed state, the spear is used to signify authority by various semi-civilized peoples. Among several parties met by Mr. Ellis when travelling in Madagascar, he noticed that "the chief usually carried a spear or staff, or both." "No person is permitted to carry weapons of any sort in the palace," of Uganda, says Speke; "but the king habitually bears a couple of spears": a duplication of weapons again suggestive, like the two swords, of a trophy. In Japan, nobles "are entitled in virtue of their rank to have a spear carried before them when moving about officially." That the javelin was a symbol of authority among

the Hebrews, Ewald infers from 1 Samuel, xviii., 10 and xxvi., 12 and 22. And then there is the still more significant fact that a lance or spear, in the time of Pausanias, was worshipped as the sceptre of Zeus. Early European history yields further evidence. "The lance was a sign of kingly power" among the Franks, says Waitz; and when Guntchram adopted Childebert, his nephew, he placed a spear in his hand, saying, "this is a sign that I have given over my whole kingdom to thee." Add the evidence furnished by the shape of its terminal ornament, and we cannot doubt that the sceptre is simply a modified spear—a spear which, ceasing to be used as a weapon, lost its fitness for destructive purposes while becoming enriched with gold and precious stones. That only by degrees did its character as a weapon disappear, is implied by the fact that the prelate who consecrated Otho in 937, said—"By this sceptre you shall paternally chastise your subjects." And then we may infer that while the spear, borne by the supreme ruler, underwent transformation into the sceptre, the spears borne by subordinates, symbolizing their deputed authority, gradually changed into staves of office, batons of command, and wands.

Other facts from various quarters, support the conclusion that all such marks of official power are derived from the weapons or appendages carried by the militant man. Among the Araucanians "the discriminative badge of the toqui [supreme chief] is a species of battle-axe, made of porphyry or marble." Describing a governor-general of a Uganda province, Speke says:—"His badge of office is an iron hatchet, inlaid with copper and handled with ivory." And then mediæval France supplies two instances in which other parts of the warrior's belongings became badges. Plate armour, originally worn by the knight as a defence, was clung to by the nobility after it had ceased to be useful, because it was a mark of distinction, says Quicherat; and spurs, also at first knightly appendages, grew into append-

ages of honour, and spread through bishops down even to the ordinary clergy.

§ 410. Another symbol of authority, the flag or ensign, seems to have had a kindred origin. This, too, is a modified and developed spear.

Certain usages of the Peruvians yield evidence. Garcilasso says, "the lance was adorned with feathers of many colours; extending from the point to the socket, and fastened with rings of gold. The same ensign served as a banner in time of war." This suggests that the appendages of the lance, first used for display, incidentally furnished a means of identification, whereby the whereabouts of the leader could be traced. And then Mr. Markham's statement that planting a lance with a banner at the end seems to have been a sign of the royal presence, while it verifies the inference that the lance became by association a mark of governmental power, suggests also how, by development of its decorative part, the banner resulted.

That along with consolidation of small societies into larger ones by conquest, followed by development of militant organization, there arises not only the need for distinguishing each chief of a tribe from his followers, but also for distinguishing the tribes from one another, is shown by sundry slightly civilized and semi-civilized peoples. During wars in the Sandwich Islands, different ranks of chiefs were distinguished by the sizes and colours of their feather cloaks. Among the Fijians each band "fights under its own flag," and "the flags are distinguished from each other by markings." When armies were formed by the Chibchas, "each cazique and tribe came with different signs on their tents, fitted out with the mantles by which they distinguished themselves from each other." And "the Mexicans were very attentive to distinguish persons, particularly in war, by different badges." When with this last statement we join the further statement that "the armorial

ensign of the Mexican empire was an eagle in the act of darting upon a tiger," recalling the animal-names of the kings, we are shown how, at any rate in some cases, the distinctive marks on the flags of leaders represented their names; carrying us back to those achievements in war and the chase which originated their names.

That the devices on flags were in early stages commonly of this kind (though naturally not in cases like those of Sandwich Islanders and Fijians above named, whose habitats contained no wild beasts of fit characters) seems implied by the fact that even still, the predatory mammals and birds of prey which, in early times, mostly furnished the animal names of great warriors, still linger on flags, or on the standards carrying them: the reason for the gradual subordination of the animal-figure being obviously the growth of that expanse of colour which gives the needful conspicuousness.

§ 411. And here we come upon the now-familiar inference that heraldic badges have descended from these primitive tribal badges, or totems. That the names of tribes, in so many parts of the world derived from animals, and often joined with beliefs that the animals giving the names were the actual ancestors, sometimes originate tribal badges, we have direct proof. Of the Thlinkeets we read in Bancroft that—

"The whole nation is separated into two great divisions or clans, one of which is called the Wolf, and the other the Raven. Upon their houses, boats, robes, shields, and wherever else they can find a place for it, they paint or carve their crest, an heraldic device of the beast or the bird designating the clan to which the owner belongs."

With such support for an inference reasonably to be drawn, we cannot but accept the hypothesis that the heraldic devices which early prevailed among the civilized, had a like genesis. When we read that in China, "the Man-

darins of letters have birds on their Habit embroidered in Gold, to distinguish their rank; the Mandarins of the Army have Animals, as the Dragon, the Lion, the Tiger," and that "by these Marks of Honour the People know the Rank these officers have in the nine Degrees of the State;" we can scarcely draw any other conclusion than that this use of animal-symbols, however much it has deviated from its original use, arose from the primitive system of tribal naming and consequent tribal badges. And finding that during early times in Europe, coats of arms were similarly emblazoned upon the dresses, as well as otherwise displayed, we must infer that whether painted on coach-panels, chased on plate, or cut on seals, these family-marks among ourselves have a kindred derivation.

§ 412. Civilized usages obscure the truth that men were not originally prompted to clothe themselves by either the desire for warmth or the thought of decency. When Speke tells us that the Africans attending him, donning with pride their goat-skin mantles when it was fine, took them off when it rained, and went about naked and shivering; or when we read in Heuglin that "among the Schiluk the men go quite naked, even their sultan and his wezir appear in a kind of parti-coloured shirt, only during official interviews and on festive occasions;" we are shown that the dress, like the badge, is at first worn from the wish for admiration.

Some of the facts already given concerning American Indians, who wear as marks of honour the skins of formidable animals they have killed, suggest that the badge and the dress have a common root, and that the dress is, at any rate in some cases, a collateral development of the badge. There is evidence that it was so with early European races. In their *Life of the Greeks and Romans*, Guhl and Koner remark:—

"The covering of the head and the upper part of the body, to protect them from the weather and the enemy's weapons, originally consisted of the hide of wild animals. Thus the hunter's trophy became the warrior's armour. . . . The same custom prevailed amongst Germanic nations, and seems to have been adopted by the Roman standard-bearers and trumpeters, as is proved by the monuments of the Imperial period."

Whence it is inferable that the honourableness of the badge and of the dress, simultaneously arise from the honourableness of the trophy. That possession of a skin-dress passes into a class-distinction, I find no direct proof; though, as the skins of formidable beasts often become distinctive of chiefs, it seems probable that skins in general become distinctive of a dominant class where a servile class exists. Indeed, in a primitive society there unavoidably arises this contrast between those who, engaged in the chase when not engaged in war, can obtain skin-garments, and those who, as slaves, are debarred from doing so by their occupation. Hence, possibly, the interdicts in mediæval Europe against the wearing of furs by the inferior classes.

Even apart from this it is inferable that since, by taking his clothes, nakedness is commonly made a trait of the prisoner, and consequently of the slave, relative amount of clothing becomes a class-distinction. In some cases there result exaggerations of the difference thus incidentally arising. Where the inferior are clothed, the superior distinguish themselves by being more clothed. Cook says of the Sandwich Islanders that quantity of clothing is a mark of position, and of the Tongans he says the same; while he tells us that in Tahiti, the higher classes signify their rank by wearing a large amount of clothing at great inconvenience to themselves. A kindred case occurs in Africa. According to Laird, "on all great occasions it is customary for the king" of Fundah "and his attendants to puff themselves out to a ridiculous size with cotton wadding." And the Arabs furnish an allied fact. In Kaseem "it is the fashion

to multiply this important article of raiment [shirts] by putting on a second over the first and a third over the second."

That there simultaneously arise differences in the forms and in qualities of the dresses worn by rulers and ruled, scarcely needs saying. Obviously, the partial dress of the slave must become distinguished by shape as well as by amount, from the complete dress of the master; and obviously, the clothing allowed to him as a slave will be relatively coarse. But beyond the distinctions thus marking rank in early stages, there must in later stages habitually arise further such distinctions. As wars between small societies end from time to time in subjugation, it must happen that when the dress of the ruling class of the conquering society differs from that of the ruling class of the society conquered, it will become distinctive of the new and higher ruling class. There is evidence that contrasts were thus initiated during the spread of the Romans. Those inhabitants of Gaul who were inscribed Roman citizens, wore the Roman costume, and formed a privileged order. "The Gallo-Romans, who were incomparably the more numerous . . . were obliged to dress otherwise:" freemen meanwhile being distinguished from slaves, and slaves from *coloni*, by their mantles.

Distinctions of rank naturally come to be marked by the colours of dresses, as well as by their quantities, qualities, and shapes. The coarse fabrics worn by the servile classes, must as a matter of course be characterized by those dull colours possessed by the raw materials used; as happened in Rome, where "only poor people, slaves and freedmen, wore dresses of the natural brown or black colour of the wool." Consequently, bright colours will habitually distinguish the dresses of the ruling classes, able to spend money on costly dyes. Illustrations come from many countries. In Madagascar the use of a "dress of entire scarlet is the prerogative of the sovereign alone." In Siam "the Prince,

and all who follow him in war or the chase, are clothed in red." "The Kututuchtu [Mongol pontiff] and his lamas are all clothed in yellow, and no layman is allowed to wear this colour except the prince." In China also, yellow is the imperial colour, limited to the emperor and his clan; and among the Chinese other colours, crimson, green, &c., mark potentates of divers grades, while sashes and caps of various bright hues are marks of rank. Then in Europe we have, during the last years of the Roman republic, the wearing of scarlet, violet, and purple, by men of the wealthier classes; ending in the purple of special quality distinctive of the emperor, when his supremacy became established And among later peoples like causes have effected like distinctions. In mediæval France scarlet, as the most costly colour, was worn exclusively by princes, knights, and women of high rank. "'The laws ordain that no one shall wear purple, which signifies exalted rank, except the nobles.' Froissart, speaking of Artevelle, chief of the revolted Gantese, says that 'he was clothed in sanguine robes and in scarlet, like the Duke of Brabant and the Count of Hainaut.'"

Of course with that development of ceremonial control which goes along with elaboration of political structure, differences of quantity, quality, shape and colour, are united to produce dresses distinctive of classes. This trait is most marked where the rule is most despotic; as in China where "between the highest mandarin or prime minister, and the lowest constable, there are nine classes, each distinguished by a dress peculiar to itself;" as in Japan, where the attendants of the Mikado "are clad after a particular fashion . . . and there is so much difference even among themselves, as to their habits, that thereby alone it is easily known what rank they are of, or what employment they have at Court;" and as in European countries during times of unchecked personal government, when each class had its distinctive costume.

§ 413. The causes which have originated, developed, and specialized badges and dresses, have done the like with ornaments; which have, indeed, the same origins.

How trophy-badges pass into ornaments, we shall see on joining with facts given at the outset of the chapter, certain kindred facts. In Guatemala, when commemorating by war-dances the victories of earlier times, the Indians were "dressed in the skins and wearing the heads of animals on their own;" and among the Chibchas, persons of rank "wore helmets, generally made of the skins of fierce animals." If we recall the statement already quoted, that in primitive European times, the warrior's head and shoulders were protected by the hide of a wild animal (the skin of its head sometimes surmounting his head); and if we add the statement of Plutarch that the Cimbri wore helmets representing the heads of wild beasts; we may infer that the animal-ornaments on metal-helmets began as imitations of hunter's trophies. This inference is supported by evidence already cited in part, but in part reserved for the present occasion. The Ashantees who, as we have seen, take human jaws as trophies, use both actual jaws and golden models of jaws for different decorative purposes: adorning their musical instruments, &c., with the realities, and carrying on their persons the metallic representations. A parallel derivation occurs among the Malagasy. When we read that by them silver ornaments like crocodile's teeth are worn on various parts of the body, we can scarcely doubt that the silver teeth are substitutes for actual teeth originally worn as trophies.

We shall the less doubt this derivation on observing in how many parts of the world personal ornaments are made out of these small and durable parts of conquered men and animals,—how by Caribs, Tupis, Moxos, Ashantees, human teeth are made into armlets, anklets, and necklaces; and how in other cases the teeth of beasts, mostly formidable, are used in like ways. The necklaces of the Land Dyaks

contain tiger-cat's teeth; the New Guinea people ornament their necks, arms, and waists with hogs' teeth; while the Sandwich Islanders have bracelets of the polished tusks of the hog, with anklets of dogs' teeth. Some Dacotahs wear "a kind of necklace of white bear's claws, three inches long." Among the Kukis "a common armlet worn by the men consists of two semi-circular boar's tusks tied together so as to form a ring." Enumerating objects hanging from a Dyah's ear, Boyle includes "two boar's tusks, one alligator's tooth." And picturing what her life would be at home, a captive New Zealand girl in her lament says—"the shark's tooth would hang from my ear." Though small objects which are attractive in colour and shape, will naturally be used by the savage for decorative purposes, yet pride in displaying proofs of his prowess, will inevitably make him utilize fit trophies in preference to other things, when he has them. The motive which made Mandans have their buffalo-robes "fringed on one side with scalp-locks," which prompts a Naga chief to adorn the collar round his neck with "tufts of the hair of the persons he had killed," and which leads the Hottentots to ornament their heads with the bladders of the wild beasts they have slain, as Kolben tells us, will inevitably tend to transform trophies into decorations wherever it is possible. Indeed while I write I find direct proof that this is so. Concerning the Snake Indians, Lewis and Clarke say:—

"The collar most preferred, because most honourable, is one of the claws of the brown bear. To kill one of these animals is as distinguished an achievement as to have put to death an enemy, and in fact with their weapons is a more dangerous trial of courage. These claws are suspended on a thong of dressed leather, and being ornamented with beads, are worn round the neck by the warriors with great pride."

And sundry facts unite in suggesting that many of the things used for ornaments were at first substitutes for trophies having some resemblance to them. When Tuckey

tells us that the natives of the Congo region make their necklaces, bracelets, &c., of iron and brass rings, lion's teeth, beads, shells, seeds of plants; we may suspect that the lion's teeth stand to the beads and shells in much the same relation that diamonds do to paste.

And then from cases in which the ornament is an actual trophy or representation of a trophy, we pass to cases in which it avowedly stands in place of a trophy. Describing practices of the Chibchas, Acosta says that certain of their strongest and bravest men had "their lips, noses, and ears pierced, and from them hung strings of gold quills, the number of which corresponded with that of the enemies they had killed in battle:" the probability being that these golden ornaments, originally representations of actual trophies, had lost resemblance to them.

Thus originating, adornments of these kinds become distinctive of the warrior-class; and there result interdicts on the use of them by inferiors. Such interdicts have occurred in various places. Among the Chibchas, "paintings, decorations and jewels on dresses, and ornaments, were forbidden to the common people." So, too, in Peru, "none of the common people could use gold or silver, except by special privilege." And without multiplying evidence from nearer regions, it will suffice to add that in mediæval France, jewellery and plate were marks of distinction not allowed to those below a certain rank.

Of course decorations beginning as actual trophies, passing into representations of trophies made of precious materials, and, while losing their resemblance to trophies, coming to be marks of honour given to brave warriors by their militant rulers (as in Imperial Rome, where armlets were thus awarded) inevitably pass from relative uniformity to relative multiformity. As society complicates there result orders of many kinds—stars, crosses, medals, and the like. These it is observable are most if not all of them of military origin. And then where a militant organization

evolved into rigidity, continues after the life has ceased to be militant, we find such decorations used to mark ranks of another kind; as in China, with its differently-coloured buttons distinguishing its different grades of mandarins.

I must not, however, be supposed to imply that this explanation covers all cases. Already I have admitted that the rudimentary æsthetic sense which leads the savage to paint his body, has doubtless a share in prompting the use of attractive objects for ornaments; and two other origins of ornaments must be added. Cook tells us that the New Zealanders carry suspended to their ears the nails and teeth of their deceased relations; and much more bulky relics, which are carried about by widows and others among some races, may also occasionally be modified into decorative objects. Further, it seems that badges of slavery undergo a kindred transformation. The ring through the nose, which Assyrian sculptures show us was used for leading captives taken in war, which marked those who, as priests, entered the service of certain gods in ancient America, and which in Astrachan is even now a sign of dedication, that is of subjection; seems elsewhere to have lost its meaning, and to have survived as an ornament. And this is a change analogous to that which has occurred with marks on the skin. (§ 364)

§ 414. We cannot say that the wish to propitiate, which caused the spread of present-giving, of obeisances, of complimentary addresses, and of titles, has also caused the spread of badges, costumes, and decorations. In this case it is rather that the lower grades have sought to raise themselves into the grades above, by assuming their distinctive marks; and that, where feared, they have been propitiated by allowing them to do this.

Already in passing we have noted how such badges of rank as swords and as spurs, have descended even in spite of interdicts; and here must be added proofs that the like

has occurred with dresses and ornaments. It was thus in Rome. "All these insignia," writes Mommsen, "probably belonged at first only to the nobility proper, *i. e.* to the agnate descendants of curule magistrates; although, after the manner of such decorations, all of them in course of time were extended to a wider circle." And then, in illustration, he says that the purple-bordered toga, originally significant of the highest rank, had, as early as the time of the second Punic war, descended "even to the sons of freedmen;" while the gold amulet-case distinguishing the triumphator, was, at the same date, "only mentioned as a badge of the children of senators." So was it, too, with signet rings.

"Originally only ambassadors sent to foreign nations were allowed to wear gold rings . . . ; later, senators and other magistrates of equal rank, and soon afterwards knights, received the *jus annuli aurei*. After the civil war, . . . the privilege was frequently encroached upon. The first emperors tried to enforce the old law, but as many of their freedmen had become entitled to wear gold rings, the distinction lost its value. After Hadrian the gold ring ceased to be the sign of rank."

Sumptuary laws in later times, have shown us alike the distinctions of dress which once marked off classes and the gradual breaking down of those distinctions; as, for example, in mediæval France. Just alluding to the facts that in early days silk and velvet were prohibited to those below a certain grade, that under Philip Augustus shoe-points were limited in their lengths to six inches, twelve inches, or twenty-four inches according to social position, and that in the 17th century, ranks at the French court were marked by the lengths of trains; it will suffice, in illustration of the feelings and actions which cause and resist such changes, to name the complaints of moralists in the 14th and 15th centuries, that by extravagance in dress "all ranks were confounded," and to add that in the 16th century, women were sent to prison by scores for wearing clothes like those of their superiors.

How this diffusion of dresses marking honourable posi-

tion and disuse of dresses marking inferiority, has gone far among ourselves, but is still incomplete, is shown in almost every household. On the one hand we have the fashionable gowns of cooks and housemaids; on the other hand we have that dwarfed representative of the muslin cap, which, once hiding the hair, was insisted upon by mistresses as a class distinction, but which, gradually dwindling, has now become a small patch on the back of the head: a good instance of the unobtrusive modifications by which usages are changed.

§ 415. Before summing up, I must point out that though, in respect of these elements of ceremony, there are not numerous parallelisms between the celestial rule and the terrestrial rule, still there are some. That the symbol of dominion, the sceptre, originally derived from a weapon, the spear, is common to the two, will be at once recalled as one instance; and the ball held in the hand as a second. Further, in regions so far from one another as Polynesia and ancient Italy, we find such communities of dress between the divine and the human potentate, as naturally follow the genesis of deities by ancestor-worship. Ellis tells us that the Tahitians had a great religious festival at the coronation of their kings. During the ceremonies, he was girded with the sacred girdle of red feathers, which identified him with the gods. And then in ancient Rome, says Mommsen, the king's "costume was the same as that of the supreme god; the state-chariot, even in the city where everyone else went on foot, the ivory sceptre with the eagle, the vermilion-painted face, the chaplet of oaken leaves in gold, belonged alike to the Roman god and to the Roman king."

As clearly as in preceding cases, we see, in the genesis of badges and costumes, how ceremonial government begins with, and is developed by, militancy. Those badges which carry us back for their derivation to trophies taken from the

bodies of slain brutes and men, conclusively show this; and we are shown it with equal conclusiveness by those badges, or symbols of authority, which were originally weapons taken from the vanquished. On finding that a dress, too, originally consisting of a wild animal's skin, has at the outset like implications bringing like honours; and on finding also that as a spoil wrenched from the conquered man, the dress, whether a trophy of the chase or of other kind, comes by its presence and absence to be distinctive of conqueror and conquered; and on further finding that in subsequent stages such additional dress-distinctions as arise, are brought in by members of conquering societies, differently clothed from both upper and lower classes of the societies conquered; we are shown that from the beginning these conspicuous marks of superiority and inferiority resulted from war. And after seeing how war incidentally initiated badges and costumes, we shall understand how there followed a conscious recognition of them as connected with success in arms, and as being for that reason honourable. Instances of this direct relation are furnished by the militant societies of ancient America. In Mexico, the king could not wear full dress before he had made a prisoner in battle. In Peru, "those (of the vassals) who had worked most in the subjugation of the other Indians . . . were allowed to imitate the Ynca most closely in their badges." And how dresses, at first marking military supremacy, become afterwards dresses marking political supremacy, or political power derived from it, we may gather from the statement that in ancient Rome "the *toga picta* and the *toga palmata* (the latter so called from the palm branches embroidered on it) were worn by victorious commanders at their triumphs; also (in imperial times) by consuls entering on their office, by the prætors at the *pompa circensis*, and by tribunes of the people at the Augustalia."

Enforcing direct evidence of this kind, comes the indirect evidence obtained by comparing societies of different

types and by comparing different stages of the same society. In China and Japan, where the political organization evolved in ancient times by war, acquired a rigidity which has kept it unchanged till modern times, we see great persistence of these class-badges and costumes; and among European nations, those which have retained types predominantly militant, are in greater degrees characterized by the prevalence of special dresses and decorations than those which have become relatively industrial in their types. In Russia, "a dress which could not denote the rank of the man, and a man whose only worth should arise from his personal merit, would be considered as anomalies." Describing a Russian dinner-party, Dr. Moritz Wagner says—"I found that on the breasts of thirty-five military guests, there glittered more than two hundred stars and crosses; many of the coats of generals had more orders than buttons." And this trait which by contrast strikes a German in Russia, similarly by contrast strikes an Englishman in Germany. Capt. Spencer remarks—"I do not believe that any people in Europe are more partial to titles and orders than the Germans, and more especially the Austrians." And then after recalling the differences between the street-scenes on the Continent and in England, caused by the relative infrequency here of official costumes, military and civil, we are reminded of a further difference of kindred nature. For here among the non-official, there are fewer remnants of those class-distinctions in dress which were everywhere pronounced during the more militant past. The blouse of the French workman stamps him in a way in which the workman in England is not stamped by his comparatively varied dress; and the French woman-servant is much more clearly identifiable as such by cap and gown than is her sister in England. Along with this obliteration of visible distinctions carried further at home than abroad, there is another kind of obliteration also carried further. Official costumes, in early times worn constantly, have tended in

the less militant countries to fall into disuse, save during times for performing official functions; and in England this change, more marked than elsewhere, has gone to the extent of leading even military and naval officers to assume "mufti" when off duty.

Most striking, however, is the evidence yielded by the general contrast between the controlling part of each society and the controlled part. The facts that those who form the regulative organization, which is originated by militancy, are distinguished from those who form the organization regulated, which is of industrial origin, by the prevalence among them of visible signs of rank; and that the militant part of this regulative organization is more than the rest characterized by the conspicuousness, multiplicity, and definiteness, of those costumes and badges which distinguish both its numerous divisions and the numerous ranks in each division; are facts unmistakably supporting the inference that militancy has generated all these marks of superiority and inferiority.

CHAPTER X.

FURTHER CLASS-DISTINCTIONS.

§ 416. Foregoing chapters have shown how, from primitive usages of the ceremonial kind, there are derived usages which, in course of time, lose the more obvious traces of their origin. There remain to be pointed out groups of secondarily-derived usages still more divergent.

In battle, it is important to get the force of gravity to fight on your side; and hence the anxiety to seize a position above that of the foe. Conversely, the combatant who is thrown down, cannot further resist without struggling against his own weight, as well as against his antagonist's strength. Hence, being below is so habitually associated with defeat, as to have made maintenance of this relation (literally expressed by the words superior and inferior) a leading element in ceremony at large. The idea of relative elevation as distinguishing the positions of rulers from those of ruled, runs through our language; as when we speak of higher and lower classes, upper and under servants, and call officers of minor rank subordinates or subalterns. Everywhere this idea enters into social observances. That tendency to connect the higher level with honourableness, which among ourselves in old times was shown by reserving the daïs for those of rank and leaving the body of the hall for common people, produces in the East, where ceremonial is so greatly developed, various rigid regulations. Writing of Lombock, Wallace says—

"The highest seat is literally, with these people, the place of honour and the sign of rank. So unbending are the rules in this respect, that when an English carriage which the Rajah of Lombock had sent for, arrived, it was found impossible to use it because the driver's seat was the highest, and it had to be kept as a show in its coach-house."

Similarly, according to Yule, in Burmah. "That any person should occupy a floor over head, would be felt as an intense degradation. . . . To the same reason is generally ascribed the little use made by the kings of Ava of the carriages, which have at various times been sent to them as presents." So too of Siam, Bowring remarks:—

"No man of inferior rank dares to raise his head to the level of that of his superior; no person can cross a bridge if an individual of higher grade chances to be passing below; no mean person may walk upon a floor above that occupied by his betters."

And this idea that relative elevation is an essential accompaniment of superior rank, we shall presently see dictates several kinds of sumptuary regulations.

Other derivative class-distinctions are sequent upon differences of wealth; which themselves originally follow differences of power. From that earliest stage in which master and slave are literally captor and captive, abundance of means has been the natural concomitant of mastery, and poverty the concomitant of slavery. Hence where the militant type of organization predominates, being rich indirectly implies being victorious, or having the political supremacy gained by victory. It is true that some primitive societies furnish exceptions. Among the Dacotahs "the civil-chiefs and war-chiefs are distinguished from the rest by their poverty. They generally are poorer clad than any of the rest." The like holds of the Abipones, whose customs supply an explanation. A cazique, distinguished by the "peculiar oldness and shabbiness" of his clothes, remains shabby because, if he puts on "new and handsome apparel, . . . the first person he meets will boldly cry 'Give me that dress' . . . and unless he immediately

parts with it, he becomes the scoff and the scorn of all, and hears himself called covetous and niggardly." But with a few such exceptions, marks of wealth are regarded as marks of honour, even by primitive peoples. Among the Mishmis,

> "The skull of every animal that has graced the board, is hung up as a record in the hall of the entertainer; . . . and when he dies, the whole smoke-dried collection of many years is piled upon his grave as a monument of his riches and a memorial of his worth."

A like usage occurs in Africa. "The Bambarans," says Caillié, "hang on the outside of their huts the heads of all the animals they eat; this is looked upon as a mark of grandeur." And then on the Gold Coast, "the richest man is the most honoured, without the least regard to nobility." Naturally the honouring of wealth, beginning in these early stages, continues through subsequent stages; and signs of wealth hence become class-distinctions: so originating various ceremonial restrictions.

Carrying with us the two ruling ideas thus briefly exemplified, we shall readily trace the genesis of sundry curious observances.

§ 417. In tropical countries the irritation produced by flies is a chief misery in life; and sundry habits which in our eyes are repulsive, result from endeavours to mitigate this misery. In the absence of anything better, the lower races of mankind cover their bodies with films of dirt as shields against these insect-enemies. Hence, apparently, one motive for painting the skin. Juarros says:—"The barbarians, or unreclaimed Indians, of Guatemala . . . . always paint themselves black, rather for the purpose of defence against mosquitoes than for ornament." And then we get an indication that where the pigment used, being decorative and costly, is indicative of wealth, the abundant use of it becomes honourable. In Tanna "some of the chiefs show their rank by an extra coat of pigment [red

earth on the face], and have it plastered on as thick as clay." Coming in this way to distinguish the man of power who possesses much, from subject men who possess little, the putting on of a protective covering to the skin, grows into a ceremony indicating supremacy. Says D. Duran of the Mexicans, "they anointed [Vitziliuitl, the elected king] on his whole body with the bitumen with which they anointed the statue of their god Vitzilopochtli;" and specifying otherwise the material used, Herrera says "they crowned and anointed Vitzilocutly with an ointment they called divine, because they used it to their idol."

Instead of earths, paints, and bituminous substances, other people employ for protecting the skin, oils and fatty matters. Proof exists that the use of these also, in great quantity and of superior quality, serves to indicate wealth, and consequently rank; and, guided by the above facts, we may suspect that there have hence arisen certain ceremonies performed in recognition of superior power. Africa furnishes two pieces of evidence which go far to justify this conclusion.

"The richer a Hottentot is," says Kolben, "the more Fat and Butter he employs in anointing himself and his family. This is the grand Distinction between the Rich and the Poor. . . . Everyone's Wealth, Magnificence, and Finery being measured by the Quantity and delicacy of the Butter or Fat upon his Body and Apparel."

And then we read in Wilkinson that—

"With the Egyptians as with the Jews, the investiture to any sacred office, as that of king or priest, was confirmed by this external sign [of anointing]; and as the Jewish lawgiver mentions the ceremony of pouring oil on the head of the high-priest after he had put on his entire dress, with the mitre and crown, the Egyptians represent the anointing of their priests and kings after they were attired in their full robes with the cap and crown upon their head. . . . They also anointed the statues of the gods; which was done with the little finger of the right hand. . . . The custom of anointing was the ordinary token of welcome to guests in every party at the house of a friend. . . . The dead were made to participate in it, as if sensible of the token of esteem thus bestowed upon them."

When we thus find that among some uncivilized people the abundance and fine quality of the fat used for protecting the skin marks wealth, and consequently rank; when we join with this a proof that the anointing with unguents among the Egyptians was an act of propitiation, alike to gods, kings, deceased persons, and ordinary guests; and when we remember that the anointment with which Christ was anointed was "precious;" we may reasonably infer that this ceremony attending investiture with sovereignty was originally one indicating the wealth that implied power.

§ 418. The idea of relative height and the idea of relative wealth, appear to join in originating certain building regulations expressive of class-distinctions. An elevated abode implies at once display of riches and assumption of a position overlooking others. Hence, in various places, limitations of the heights to which different ranks may build. In ancient Mexico, under Montezuma's laws, "no one was allowed to build a house with [several] stories, except the great lords and gallant captains, on pain of death." A kindred regulation exists at the present time in Dahomey; where the king, wishing to honour some one, "gave him a formal leave to build a house two stories high;" and where "the palace and the city gates are allowed five surish [steps]; chiefs have four tall or five short, and all others three, or as the king directs." There are restrictions of like kind in Japan. "The height of the street-front, and even the number of windows, are determined by sumptuary laws." So, too, is it in Burmah. Yule says:—"The character of house, and especially of roof, appropriate to each rank, appears to be a matter of regulation, or inviolable prescription;" and, according to Sangermano, "nothing less than death can expiate the crime, either of choosing a shape [for a house] that does not belong to the dignity of the master, or of painting the house white; which colour is per-

mitted to the members of the royal family alone." More detailed are the interdicts named by Syme.

"Piasath, the regal spire, distinguishes the dwellings of the monarch and the temples of the divinity. To none other is it allowed. . . . There are no brick buildings either in Pegue or Rangoon except such as belong to the king, or are dedicated to their divinity Gaudama. . . . Gilding is forbidden to all subjects of the Birman Empire. Liberty even to lacker and paint the pillars of their houses, is granted to very few."

§ 419. Along with laws forbidding those of inferior rank to have the higher and more ornamental houses which naturally imply the wealth that accompanies power, there go interdicts on the use by common people of various appliances to comfort which the man of rank and influence has. Among these may first be noted artificial facilities for locomotion.

A sketch in an African book of travels, representing the king of Obbo making a progress, seated on the shoulders of an attendant, shows us in its primitive form, the connexion between being carried by other men and the exercise of power over other men. Marking, by implication, a ruling person, the palanquin or equivalent vehicle is in many places forbidden to inferior persons. Among the ancient Chibchas, "the law did not allow any one to be carried in a litter on the shoulders of his men, except the Bogota and those to whom he gave the privilege." Prior to the year 1821, no person in Madagascar "was allowed to ride in the native chair or palanquin, except the royal family, the judges, and first officers of state." So, too, in Europe, there have been restrictions on the use of such chairs. Among the Romans, "in town only the senators and ladies were allowed to be carried in them;" and in France, in past times, the sedan was forbidden to those below a certain rank. In some places the social *status* of the occupant is indicated by the more or less costly accompaniments. Kœmpfer says that in Japan, "the bigness and length of these [sedan]

poles had been determined by the political laws of the empire, proportionable to every one's quality." . . . The sedan "is carried by two, four, eight, or more men, according to the quality of the person in it." The like happens in China. "The highest officers are carried by eight bearers, others by four, and the lowest by two: this, and every other particular, being regulated by laws." Then, elsewhere, the character of appliances for locomotion on water is similarly prescribed. In Turkey, "the hierarchy of rank is maintained and designated by the size of each Turkish functionary's boat;" and in Siam "the height and ornaments of the cabin [in barges] designate the rank or the functions of the occupier."

As the possession of chair-bearers, who in early stages are slaves, implies alike the mastery and the wealth always indicative of rank in societies of militant type; so, too, does possession of attendants to carry umbrellas or other protections against the sun. Hence interdicts on the use of these by inferiors. Such restrictions occur in comparatively early stages. In Fiji (Somo-somo) only the king and the two high priests in favour, can use the sun-shade. In Congo only those of royal blood are allowed to use an umbrella, or to be carried in a mat. The sculptured records of extinct eastern peoples, imply the existence of this class-mark. Among the Assyrians,

> "the officers in close attendance upon the monarch varied according to his employment. In war he was accompanied by his charioteer, his shield-bearer or shield-bearers, his groom, his quiver-bearer, his mace-bearer, and sometimes by his parasol-bearer. In peace the parasol-bearer is always represented as in attendance, except in hunting expeditions, or where he is replaced by a fan-bearer."

Adjacent parts of the world show us the same mark of distinction in use down to the present time. "From India to Abyssinia," says Burton, "the umbrella is the sign of royalty." Still further east this symbol of dignity is multiplied to produce the idea of greater dignity. In Siam, at the

king's coronation, "a page comes forward and presents to the king the seven-storied umbrella,—the *savetraxat* or primary symbol of royalty." And when the emperor of China leaves his palace, he is accompanied by twenty men bearing large umbrellas and twenty fan-bearers. Elsewhere umbrellas, not monopolized by kings, may be used by others, but with differences; as in Java, where custom prescribes six colours for the umbrellas of six ranks. Evidently the shade-yielding umbrella is closely allied to the shade-yielding canopy; the use of which also is a class-distinction. Ancient America furnished a good instance. In Utlatlan the king sat under four canopies, the "elect" under three, the chief captain under two, and the second captain under one. And here we are reminded that this developed form of the umbrella, having four supports, is alike in the East and in Europe, used in exaltation of both the divine ruler and the human ruler: in the one region borne by attendants over kings and supported in a more permanent manner over the cars in which idols are drawn; and in the other used alike in state-processions and ecclesiastical processions, to shade now the monarch and now the Host.

Of course with regulations giving to higher ranks the exclusive enjoyment of the more costly conveniences, there go others forbidding the inferior to have conveniences of even less costly natures. For example, in Fiji the best kind of mat for lying on is forbidden to the common people. In Dahomey, the use of hammocks is a royal prerogative, shared in only by the whites. Concerning the Siamese, Bowring says:—"We were informed that the use of such cushions [more or less ornamented, according to rank] was prohibited to the people." And we learn from Bastian that among the Joloffs the use of the mosquito-curtain is a royal prerogative.

§ 420. Of sumptuary laws, those regulating the uses of foods may be traced back to very early stages—stages in

which usages have not yet taken the shape of laws. They go along with the subordination of the young to the old, and of females to males. Among the Tasmanians, "the old men get the best food;" and Sturt says, "only the old men of the natives of Australia have the privilege of eating the emu. For a young man to eat it is a crime." The Khond women, Macpherson tells us, "for some unknown cause, are never, I am informed, permitted to eat the flesh of the hog." In Tahiti "the men were allowed to eat the flesh of the pig, and of fowls, and a variety of fish, cocoa-nuts, and plantains, and whatever was presented as an offering to the gods, which the females, on pain of death, were forbidden to touch." After stating that the Fijian women are never permitted to enter the temple, the United States' explorers add—"nor, as we have seen, to eat human flesh, at least in public."

Of food-restrictions other than those referring to age and sex, may first be named one from Fiji—one which also refers to the consumption of human flesh. Seeman says "the common people throughout the group, as well as women of all classes, were by custom debarred from it. Cannibalism was thus restricted to the chiefs and gentry." Of other class-restrictions on food, ancient America furnishes examples. Among the Chibchas, "venison could not be eaten unless the privilege had been granted by the cazique." In San Salvador, "none formerly drank chocolate but the prime men and notable soldiers;" and in Peru "the kings (Yncas) had the coca as a royal possession and privilege."

Of course there might be added to these certain of the sumptuary laws respecting food which prevailed during past times throughout Europe.

§ 421. Of the various class-distinctions which imply superior rank by implying greater wealth, the most curious remain. I refer to certain inconvenient, and sometimes pain-

ful, traits, only to be acquired by those whose abundant means enable them to live without labour, or to indulge in some kind of sensual excess.

One group of these distinctions, slightly illustrated among ourselves by the pride taken in delicate hands, as indicating freedom from manual labor, is exhibited in marked forms in some societies that are comparatively little advanced. "The chiefs in the Society Islands value themselves on having long nails on all, or on some, of their fingers." "Fijian kings and priests wear the finger nails long," says Jackson; and in Sumatra, "persons of superior rank encourage the growth of their hand-nails, particularly those of the fore and little fingers, to an extraordinary length." Everyone knows that a like usage has a like origin in China; where, however, long nails have partially lost their meaning: upper servants being allowed to wear them. But of personal defects similarly originating, China furnishes a far more striking instance in the cramped feet of ladies. Obviously these have become signs of class-distinction, because of the implied inability to labour, and the implied possession of means sufficient to purchase attendance. Then, again, as marking rank because implying riches, we have undue, and sometimes excessive, fatness; either of the superior person himself or of his belongings. The beginnings of this may be traced in quite early stages; as among some uncivilized American peoples. "An Indian is *respectable* in his own community, in proportion as his wife and children look fat and well fed: this being a proof of his prowess and success as a hunter, and his consequent riches." From this case, in which the relation between implied wealth and implied power is directly recognized, we pass in the course of social development to cases in which, instead of the normal fatness indicating sufficiency, there comes the abnormal fatness indicating superfluity, and, consequently, greater wealth. In China, great fatness is a source of pride in a mandarin. Ellis tells us

that corpulence is a mark of distinction among Tahitian females. Throughout Africa there prevails an admiration for corpulence in women, which, in some places, rises to a great pitch; as in Karague where the king has "very fat wives"—where, according to Speke, the king's sister-in-law "was another of those wonders of obesity, unable to stand excepting on all fours," and where, "as fattening is the first duty of fashionable female life, it must be duly enforced by the rod if necessary." Still stranger are the marks of dignity constituted by diseases resulting from those excessive gratifications of appetite which wealth makes possible. Even among ourselves may be traced an association of ideas which thus originates. The story about a gentleman of the old school, who, hearing that some man of inferior extraction was suffering from gout, exclaimed—"Damn the fellow; wasn't rheumatism good enough for him," illustrates the still-current idea that gout is a gentlemanly disease, because it results from that high living which presupposes the abundant means usually associated with superior position. Introduced by this instance, the instance which comes to us from Polynesia will seem not unnatural. "The habitual use of ava causes a whitish scurf on the skin, which among the heathen Tahitians was reckoned a badge of nobility; the common people not having the means of indulgence requisite to produce it." But of all marks of dignity arising in this way, or indeed in any way, the strangest is one which Ximenez tells us of as existing among the people of ancient Guatemala. The sign of a disorder, here best left unspecified, which the nobles were liable to, because of habits which wealth made possible, had become among the Guatemalans a sign "of greatness and majesty;" and its name was applied even to the deity!

§ 422. How these further class-distinctions, though not, like preceding ones, directly traceable to militancy, are in-

directly traceable to it, and how they fade as industrialism develops, need not be shown at length.

Foregoing instances make it clear that they are still maintained rigorously in societies characterized by that type of organization which continuous war establishes; and that they prevailed to considerable degrees during the past war-like times of more civilized societies. Conversely, they show that as, along with the rise of a wealth which does not imply rank, luxuries and costly modes of life have spread to those who do not form part of the regulative organization; the growth of industrialism tends to abolish these marks of class-distinction which militancy originates. No matter what form they take, all these supplementary rules debarring the inferior from usages and appliances characterizing the superior, belong to a social *régime* based on coercive co-operation; while that unchecked liberty which, among ourselves, the classes regulated have to imitate the regulating classes in habits and expenditure, belongs to the *régime* of voluntary co-operation.

CHAPTER XI.

FASHION.

§ 423. To say nothing about Fashion under the general head of Ceremonial Institution would be to leave a gap; and yet Fashion is difficult to deal with in a systematic manner. Throughout the several forms of social control thus far treated, we have found certain pervading characters traceable to common origins; and the conclusions reached have hence been definite. But those miscellaneous and ever-changing regulations of conduct which the name Fashion covers, are not similarly interpretable; nor does any single interpretation suffice for them all.

In the Mutilations, the Presents, the Visits, the Obeisances, the Forms of Address, the Titles, the Badges and Costumes, &c. we see enforced, not likeness between the acts of higher and lower, but unlikeness: that which the ruler does the ruled must not do; and that which the ruled is commanded to do is that which is avoided by the ruler. But in those modifications of behaviour, dress, mode of life, &c., which constitute Fashion, likeness instead of unlikeness is insisted upon. Respect must be shown by following the example of those in authority, not by differing from them. How does there arise this contrariety?

The explanation appears to be this. Fashion is intrinsically imitative. Imitation may result from two widely divergent motives. It may be prompted by reverence for one imitated, or it may be prompted by the desire to assert

equality with him. Between the imitations prompted by these unlike motives, no clear distinction can be drawn; and hence results the possibility of a transition from those reverential imitations going along with much subordination, to those competitive imitations characterizing a state of comparative independence.

Setting out with this idea as our clue, let us observe how the reverential imitations are initiated, and how there begins the transition from them to the competitive imitations.

§ 424. Given a society characterized by servile submission, and in what cases will a superior be propitiated by the imitations of an inferior? In respect of what traits will assumption of equality with him be complimentary? Only in respect of his defects.

From the usages of those tyrannically-ceremonious savages the Fijians, may be given an instance well illustrating the motive and the result.

"A chief was one day going over a mountain-path, followed by a long string of his people, when he happened to stumble and fall; all the rest of the people immediately did the same, except one man, who was instantly set upon by the rest, to know whether he considered himself better than his chief."

And Williams, describing his attempt to cross a slippery bridge formed of a single cocoa-nut stem, writes:—

"Just as I commenced the experiment, a heathen said, with much animation, 'To-day, I shall have a musket!' . . . When I asked him why he spoke of a musket, the man replied, 'I felt certain that you would fall in attempting to go over, and I should have fallen after you;' [that is, it appeared to be equally clumsy;] 'and as the bridge is high, the water rapid, and you a gentleman, you would not have thought of giving me less than a musket.'"

Even more startling is a kindred practice in Africa, among the people of Darfur. "If the Sultan, being on horseback, happens to fall off, all his followers must fall off likewise; and should anyone omit this formality, however great he may be, he is laid down and beaten."

Such examples of endeavours to please a ruler by avoiding any appearance of superiority to him, seem less incredible than they would else seem, on finding that among European peoples there have occurred, if not like examples, still, analogous examples. In 1461 Duke Philip of Burgundy having had his hair cut during an illness, "issued an edict that all the nobles of his state should be shorn also. More than five hundred persons . . . sacrificed their hair." From this instance, in which the ruler insisted on having his defect imitated by the ruled against their wills (for many disobeyed), we may pass to a later instance in which a kindred imitation was voluntary. In France, in 1665, after the operation on Lewis XIV for fistula, the royal infirmity became the fashion among the courtiers.

"Some who had previously taken care to conceal it were now not ashamed to let it be known. There were even courtiers who chose to be operated on in Versailles, because the king was then informed of all the circumstances of the malady. . . . I have seen more than thirty wishing to be operated on, and whose folly was so great that they were annoyed when told that there was no occasion to do so."

And now if with cases like these we join cases in which a modification of dress which a king adopts to hide a defect (such as a deep neckcloth where a scrofulous neck has to be concealed) is imitated by courtiers, and spreads downwards; we see how from that desire to propitiate which prompts the pretence of having a like defect, there may result fashion in dress; and how from approval of imitations of this kind may insensibly come tolerance of other imitations.

§ 425. Not that such a cause would produce such an effect by itself. There is a co-operating cause which takes advantage of the openings thus made. Competitive imitation, ever going as far as authority allows, turns to its own advantage every opportunity which reverential imitation makes.

This competitive imitation begins quite as early as the reverential. Members of savage tribes are not unfrequently led by the desire for applause into expenditure relatively more lavish than are the civilized. There are barbarous peoples among whom the expected hospitalities on the occasion of a daughter's marriage, are so costly as to excuse female infanticide, on the ground that the ruinous expense which rearing the daughter would eventually entail is thus avoided. Thomson and Angas unite in describing the extravagance into which the New Zealand chiefs are impelled by fashion in giving great feasts, as often causing famines—feasts for which chiefs begin to provide a year before: each being expected to out-do his neighbours in prodigality. And the motive thus coming into play early in social evolution, and making equals vie with one another in display, similarly all along prompts the lower to vie, so far as they are allowed, with the higher. Everywhere and always the tendency of the inferior to assert himself has been in antagonism with the restraints imposed on him; and a prevalent way of asserting himself has been to adopt costumes and appliances and customs like those of his superior. Habitually there have been a few of subordinate rank who, for one reason or other, have been allowed to encroach by imitating the ranks above; and habitually the tendency has been to multiply the precedents for imitation, and so to establish for wider classes the freedom to live and dress in ways like those of the narrower classes.

Especially has this happened as fast as rank and wealth have ceased to be coincident—as fast, that is, as industrialism has produced men rich enough to compete in style of living with those above them in rank. Partly from the greater means, and partly from the consequent greater power, acquired by the upper grades of producers and distributors; and partly from the increasing importance of the financial aid they can give to the governing classes in public and private affairs; there has been an ever-decreasing re-

sistance to the adoption by them of usages originally forbidden to all but the high born. The restraints in earlier times enacted and re-enacted by sumptuary laws, have been gradually relaxed; until the imitation of superiors by inferiors, spreading continually downwards, has ceased to be checked by anything more than sarcasm and ridicule.

§ 426. Entangled and confused with one another as Ceremonial and Fashion are, they have thus different origins and meanings: the first being proper to the *régime* of compulsory co-operation, and the last being proper to the *régime* of voluntary co-operation. Clearly there is an essential distinction, and, indeed, an opposition in nature, between behaviour required by subordination to the great and behaviour resulting from imitation of the great.

It is true that the regulations of conduct here distinguished, are ordinarily fused into one aggregate of social regulations. It is true that certain ceremonial forms come to be fulfilled as parts of the prevailing fashion; and that certain elements of fashion, as for instance the order of courses at a dinner, come to be thought of as elements of ceremonial. And it is true that both are now enforced by an unembodied opinion which appears to be the same for each. But, as we have seen above, this is an illusion. Though when, in our day, a wealthy quaker, refusing to wear the dress worn by those of like means, refuses also to take off his hat to a superior, we commonly regard these nonconformities as the same in nature; we are shown that they are not, if we go back to the days when the salute to the superior was insisted on under penalty, while the imitation of the superior's dress, so far from being insisted on, was forbidden. Two different authorities are defied by his acts—the authority of class-rule, which once dictated such obeisances; and the authority of social opinion, which thinks nonconformities in dress imply inferior *status*.

So that, strange to say, Fashion, as distinguished from

Ceremony, is an accompaniment of the industrial type as distinguished from the militant type. It needs but to observe that by using silver forks at his table, the tradesman in so far asserts his equality with the squire; or still better to observe how the servant-maid out for her holiday competes with her mistress in displaying the last style of bonnet; to see how the regulations of conduct grouped under the name Fashion, imply that increasing liberty which goes along with the substitution of peaceful activities for warlike activities.

As now existing, Fashion is a form of social regulation analogous to constitutional government as a form of political regulation: displaying, as it does, a compromise between governmental coercion and individual freedom. Just as, along with the transition from compulsory co-operation to voluntary co-operation in public action, there has been a growth of the representative agency serving to express the average volition; so has there been a growth of this indefinite aggregate of wealthy and cultured people, whose *consensus* of habits rules the private life of society at large. And it is observable in the one case as in the other, that this ever-changing compromise between restraint and freedom, tends towards increase of freedom. For while, on the average, governmental control of individual action decreases, there is a decrease in the rigidity of Fashion; as is shown by the greater latitude of private judgment exercised within certain vaguely marked limits.

Imitative, then, from the beginning, first of a superior's defects, and then, little by little, of other traits peculiar to him, Fashion has ever tended towards equalization. Serving to obscure, and eventually to obliterate, the marks of class-distinction, it has favoured the growth of individuality; and by so doing has aided in weakening Ceremonial, which implies subordination of the individual.

CHAPTER XII.

CEREMONIAL RETROSPECT AND PROSPECT.

§ 427. We find, then, that rules of behaviour are not results of conventions at one time or other deliberately made, as people tacitly assume. Contrariwise, they are natural products of social life which have gradually evolved. Apart from detailed proofs of this, we find a general proof in their conformity to the laws of Evolution at large.

In primitive headless groups of men, such customs as regulate conduct form but a small aggregate. A few naturally prompted actions on meeting strangers; in certain cases bodily mutilations; and in some interdicts on foods monopolized by adult men; constitute a brief code. But with consolidation into compound, doubly compound, and trebly compound societies, there arise great accumulations of ceremonial arrangements regulating all the actions of life—there is increase in the mass of observances.

Originally simple, these observances become progressively complex. From the same root grow up various kinds of obeisances. Primitive descriptive names develop into numerous graduated titles. From aboriginal salutes come, in course of time, complimentary forms of address adjusted to persons and occasions. Weapons taken in war give origin to symbols of authority, assuming, little by little, great diversities in their shapes. While certain trophies, differentiating into badges, dresses and decorations, eventually in each of these divisions present multitudinous varieties, no

longer bearing any resemblance to their originals. And besides the increasing heterogeneity which in each society arises among products having a common origin, there is the further heterogeneity which arises between this aggregate of products in one society and the allied aggregates in other societies.

Simultaneously there is progress in definiteness; ending, as in the East, in fixed forms prescribed in all their details, which must not under penalty be departed from. And in sundry places the vast assemblages of complex and definite ceremonies thus elaborated, are consolidated into coherent codes set forth in books.

The advance in integration, in heterogeneity, in definiteness, and in coherence, is thus fully exemplified.

§ 428. When we observe the original unity exhibited by ceremony as it exists in primitive hordes, in contrast with the diversity which ceremony, under its forms of political, religious, and social, assumes in developed societies; we recognize another aspect of this transformation undergone by all products of evolution.

The common origin of propitiatory forms which eventually appear unallied, was in the last volume indicated by the numerous parallelisms we found between religious ceremonies and ceremonies performed in honouring the dead; and the foregoing chapters have shown that still more remarkable are the parallelisms between ceremonies of these kinds and those performed in honouring the living. We have seen that as a sequence of trophy-taking, parts of the body are surrendered to rulers, offered at graves, deposited in temples, and occasionally presented to equals; and we have seen that mutilations hence originating, become marks of submission to kings, to deities, to dead relatives, and in some cases to living friends. Beginning with presents, primarily of food, made to strangers by savages to secure goodwill, we pass to the presents, also primarily of food,

made to chiefs; and, answering to these, we find the offerings, primarily of food, made to ghosts and to gods, developing among ancestor-worshipping peoples into sacrifices showing parallel elaborations; as in China, where feasts of many dishes are placed alike before the tablets inscribed to ancestors, apotheosized men, and great deities, and where it is a saying that "whatever is good for food is good for sacrifice." Visits are paid to graves out of respect to the spirits of the departed, to temples in worship of the deities supposed to be present in them, to the courts of rulers in evidence of loyalty, and to private persons to show consideration. Obeisances, originally implying subjugation, are made before monarchs and superiors, are similarly made before deities, are sundry of them repeated in honour of the dead, and eventually become observances between equals. Expressing now the humility of the speaker and now the greatness of the one spoken to, forms of address, alike in nature, are used to the visible and the invisible ruler, and, descending to those of less power, are at length used to ordinary persons; while titles ascribing fatherhood and supremacy, applied at first to kings, gods, and deceased persons, become in time names of honour used to undistinguished persons. Symbols of authority like those carried by monarchs, occur in the representations of deities; in some cases the celestial and the terrestrial potentates have like costumes and appendages; and sundry of the dresses and badges once marking superiority of position, become ceremonial dresses worn, especially on festive occasions, by persons of inferior ranks. Other remarkable parallelisms exist. One we see in the anointing, which, performed on kings and on the images of gods, extended in Egypt to dead persons and to guests. In Egypt, too, birthday-ceremonials were at once social, political, and religious: besides celebrations of private birthdays and of the birthdays of kings and queens, there were celebrations of the birthdays of gods. Nor must we omit the sacredness of names. In

many countries it is, or has been, forbidden to utter the name of the god; the name of the king is in other places similarly interdicted; elsewhere it is an offence to refer by name to a dead person; and among various savages the name of the living person may not be taken in vain. The feeling that the presence of one who is to be worshipped or honoured, is a bar to the use of violence, also has its parallel sequences. Not only is the temple of the god a sanctuary, but in sundry places the burial-place of the chief is a sanctuary, and in other places the presence of the monarch, as in Abyssinia where "it is death to strike, or lift the hand to strike, before the king;" and then among European peoples, the interdict on fighting in presence of a lady, shows how this element in ceremonial rule extends into general intercourse. Finally let me add a fuller statement of a curious example before referred to—the use of incense in worship of a deity, as a political honour, and as a social observance. In Egypt there was incense-offering before both gods and kings, as also among the Hebrews: instance the passage from the Song of Solomon (iii., 6-7)—"Who is this that cometh out of the wilderness like pillars of smoke, perfumed with myrrh and frankincense. . . Behold his bed [litter], which is Solomon's." Clavigero tells us that "incense-offering among the Mexicans, and other nations of Anahuac, was not only an act of religion towards their gods, but also a piece of civil courtesy to lords and ambassadors." During mediæval days in Europe, incense was burnt in compliment to rank: nobles on entering churches severally expected so many swings of the censer in front of them, according to their grades.

While, then, we are shown by numerous sets of parallelisms the common origin of observances that are now distinguished as political, religious, and social—while we thus find verified in detail the hypothesis that ceremonial government precedes in time the other forms of government, into all of which it enters; we are shown how, in con-

formity with the general laws of Evolution, it differentiates into three great orders at the same time that each of these orders differentiates within itself.

§ 429. From the beaten dog which, crawling on its belly licks its master's hand, we trace up the general truth that ceremonial forms are naturally initiated by the relation of conqueror and conquered, and the consequent truth that they develop along with the militant type of society. While re-enunciated, this last truth may be conveniently presented under a different aspect. Let us note how the connexion between ceremonial and militancy, is shown at once in its rigour, in its definiteness, in its extent, and in its elaborateness.

"In Fiji, if a chief sees any of his subjects not stooping low enough in his presence, he will kill him on the spot;" while "a vast number of fingers, missing from the hands of men and women, have gone as the fine for disrespectful or awkward conduct." And then of these same sanguinary and ferociously-governed people, Williams tells us that "not a member of a chief's body, or the commonest acts of his life, are mentioned in ordinary phraseology, but all are hyperbolized." Africa furnishes a kindred instance of this connexion between ceremonial rigour and the rigour of despotic power accompanying excessive militancy. In the kingdom of Uganda, where, directed by the king to try a rifle presented to him by Speke, a page went to the door and shot the first man he saw in the distance, and where, as Stanley tells us, under the last king, Suna, five days were occupied in cutting up thirty thousand prisoners who had surrendered; we find that "an officer observed to salute informally is ordered for execution," while another who, "perhaps, exposes an inch of naked leg whilst squatting, or has his *mbŭgŭ* tied contrary to regulations," "is condemned to the same fate." And then in Asia a parallel connexion is shown us by the more civilized Siamese, whose adult males are all soldiers, and over whom rules omnipotently a sacred

king, whose "palace must not be passed without marks of reverence" duly prescribed, and "severe punishments follow any inattention to these requirements," and where, in social intercourse, "mistakes in these kinds of duties [obeisances] may be punished with the *bâton* by him against whom they have been committed."

Along with this rigour of ceremonial rule we find great definiteness. In Fiji there are "various forms of salutation, according to the rank of the parties; and great attention is paid to insure that the salutation shall have the proper form:" such precision naturally arising where loss of life or fingers follows breach of observance. A kindred precision is similarly caused in the tyrannically-governed African kingdoms, such as Loango, where a king killed his own son, and had him quartered, because the son happened to see his father drink; or such as Ashantee, where there is much "punctilious courtesy, and a laboured and ceremonious formality." And this definiteness characterizes observances under the despotisms of the remote East. Of the Siamese La Loubère says—"In the same ceremonies they always say almost the same things. The king of Siam himself has his words almost told [*contées*] in his audiences of ceremony." So, too, in China, in the imperial hall of audience "stones are inlaid with plates of brass, on which are engraved in Chinese characters the quality of the persons who are to stand or kneel upon them;" and as Huc says, "it is easier to be polite in China than elsewhere, as politeness is subject to more fixed regulations." Japan, also, shows us this precise adjustment of the observance to the occasion:—"The marks of respect to superiors . . . are graduated from a trifling acknowledgment to the most absolute prostration." "This state of things is supported by law as well as custom, and more particularly by the permission given to a two-sworded man, in case of him feeling himself insulted, to take the law into his own hands." Nor does Europe in its most militant country, autocratically ruled, fail to yield an

illustration. Custine says of Russia that, at the marriage of the Grand Duchess Maria with the Duke of Leuchtenberg (1839) the Emperor Nicholas "was continually leaving his prayers, and slipping from one side to the other, in order to remedy the omissions of etiquette among his children, or the clergy. . . . All the great functionaries of the Court seemed to be governed by his minute but supreme directions."

In respect of the range and elaborateness of ceremonial rule, assimilating the control of civil life to the control of military life, Oriental despotisms yield equally striking examples. La Loubère says:—"If there are several Siamese together, and another joins them, it often happens that the postures of all change. They know before whom and to what extent they should bend or remain erect or seated; whether they should join their hands or not and hold them low or high; whether being seated they may advance one foot or both, or should keep both hidden." Even the monarch is under kindred restraints. "The *Phra raxa monthieraban* [apparently, sacred book] lays down the laws which the Sovereign is bound to obey, prescribes the hours for rising and for bathing, the manner of offering and the alms to be offered, to the bonzes, the hours of audience for nobles and for princes, the time to be devoted to public affairs and to study, the hours for repasts, and when audiences shall be allowed to the Queen and the ladies of the palace." Again, in the account of his embassy to Ava, Syme writes:—"The subordination of rank is maintained and marked by the Birmans with the most tenacious strictness; and not only houses, but even domestic implements, such as the bettle box, water flagon, drinking cup, and horse furniture, all express and manifest, by shape and quality, the precise station of the owner." In China, too, the Li ki, or Book of Rites, gives directions for all actions of life; and a passage in Huc shows at once the antiquity of their vast, coherent, elaborate system of observances, and the reverence with

which its prescriptions were regarded:—" 'Under the first dynasties,' says a famous Chinese moralist, 'the government had perfect unity, the ceremonies and music embraced the whole empire.' " Once more, in Japan, especially in past times, ceremony was elaborated in books so far that every transaction, down to an execution, had its various movements prescribed with a scarcely credible minuteness.

That these connexions are necessary, we cannot fail to see on remembering how, with the compoundings and recompoundings of social groups effected by militancy, there must go an evolution of the forms of subordination; made strong by the needs for restraint, made multitudinous by the gradations of rank, made precise by continual performance under penalty.

§ 430. The moral traits which accompany respectively the development of ceremonial rule and the decay of ceremonial rule, may with advantage be named while noting how observances weaken as fast as industrialism strengthens.

We have seen that ceremony originates from *fear:* on the one side supremacy of a victor or master; on the other side dread of death or punishment felt by the vanquished or the slave. And under the *régime* of compulsory co-operation thus initiated, fear develops and maintains in strength all forms of propitiation. But with the rise of a social type based on voluntary co-operation, fear decreases. The subordinate ruler or officer is no longer wholly at the mercy of his superior; the trader, not liable to be robbed or tortured by the noble, has a remedy against him for non-payment; the labourer in receipt of wages, cannot be beaten like the slave. In proportion as the system of exchanging services under contract spreads, and the rendering of services under compulsion diminishes, men dread one another less; and, consequently, become less scrupulous in fulfilling propitiatory forms.

War of necessity cultivates *deception:* ambush, manœuvring, feints, and the like, involve acted lies; and skilful lying by actions is regarded as a trait of military genius. The slavery which successful war establishes, implies daily practice in duplicity. Against the anger of his cruel master a successful falsehood is the slave's defence. Under tyrants unscrupulous in their exactions, skilful lying is a means of salvation, and is a source of pride. And all the ceremonies which accompany the *régime* of compulsory co-operation are pervaded by insincerity: the fulsome laudations are not believed by the utterer; he feels none of that love for his superior which he professes; nor is he anxious for his welfare as his words assert. But in proportion as compulsory co-operation is replaced by voluntary co-operation, the temptations to deceive that penalties may be escaped, become less strong and perpetual; and simultaneously, truthfulness is fostered, since voluntary co-operation can increase only as fast as mutual trust increases. Though throughout the activities of industry there yet survives much of the militant untruthfulness; yet, on remembering that only by daily fulfilment of contracts can these activities go on, we see that in the main the things promised are performed. And along with the spreading truthfulness thus implied, there goes on an increasing dislike of the more extreme untruthfulness implied in the forms of propitiation. Neither in word nor in act do the professed feelings so greatly exceed the real feelings.

It scarcely needs saying that as social co-operation becomes less coercive and more voluntary, *independence* increases; for the two statements are different aspects of the same. Forced service implies dependence; while service rendered under agreement implies independence. Naturally, the different moral attitudes involved, expressing themselves in different political types, as relatively despotic and relatively free, express themselves also in the accompanying kinds of ceremonial rule that are tolerated or

liked. In the one case, badges of subjection are thought honourable and pleasure is taken in acts of homage; in the other case, liveries come to be hated and there is reluctance to use reverential forms approaching the obsequious. The love of independence joins the love of truthfulness in generating a repugnance to obeisances and phrases which express subordination where none is internally acknowledged.

The discipline of war, being a discipline in destruction of life, is a discipline in *callousness*. Whatever sympathies exist are seared; and any that tend to grow up are checked. This unsympathetic attitude which war necessitates, is maintained by the coercive social co-operation which it initiates and evolves. The subordination of slave by master, maintained by use of whatever force is needful to secure services however unwilling, implies repression of fellow-feeling. This repression of fellow-feeling is also implied by insisting on forms of homage. To delight in receiving cringing obeisances shows lack of sympathy with another's dignity; and with the development of a freer social type and accompanying increase of sympathy, there grows up on the part of superiors a dislike to these extreme manifestations of subjection coming from inferiors. "Put your bonnet to its right use," says Hamlet to Osric, standing bareheaded: showing us that in Shakespeare's day, there had arisen the fellow-feeling which produced displeasure on seeing another humble himself too much. And this feeling, increasing as the industrial type evolves, makes more repugnant all ceremonial forms which overtly express subordination.

Once more, originating in societies which have the glory of victory in war as a dominant sentiment, developed ceremony belongs to a social state in which *love of applause* is the ruling social motive. But as fast as industrialism replaces militancy, the sway of this ego-altruistic sentiment becomes qualified by the growing altruistic sentiment; and with an increasing respect for others' claims, there goes a decreasing eagerness for distinctions which by implication

subordinate them. Sounding titles, adulatory forms of address, humble obeisances, gorgeous costumes, badges, privileges of precedence, and the like, severally minister to the desire to be regarded with actual or simulated admiration. But as fast as the wish to be exalted at the cost of humiliation to others, is checked by sympathy, the appetite for marks of honour, becoming less keen, is satisfied with, and even prefers, more subdued indications of respect.

So that in various ways the moral character natural to the militant type of society, fosters ceremony; while the moral character natural to the industrial type is unfavourable to it.

§ 431. Before stating definitely the conclusions, already foreshadowed, that are to be drawn respecting the future of ceremony, we have to note that its restraints not only form a part of the coercive *régime* proper to those lower social types characterized by predominant militancy, but also that they form part of a discipline by which men are adapted to a higher social life.

While the antagonistic or anti-social emotions in men, have that predominance which is inevitable while war is habitual, there must be tendencies, great and frequent, to words and acts generating enmity and endangering social coherence. Hence the need for prescribed forms of behaviour which, duly observed, diminish the risk of quarrels. Hence the need for a ceremonial rule rigorous in proportion as the nature is selfish and explosive.

Not *à priori* only, but *à posteriori*, it is inferable that established observances have the function of educating, in respect of its minor actions, the anti-social nature into a form fitted for social life. Of the Japanese, living for these many centuries under an unmitigated despotism, castes severely restricted, sanguinary laws, and a ceremonial system rigorous and elaborate, there has arisen a character which, while described by Mr. Rundell as "haughty, vindictive,

and licentious," yet prompts a behaviour admirable in its suavity. Mr. Cornwallis asserts that amiability and an unruffled temper are the universal properties of the women in Japan; and by Mr. Drummond they are credited with a natural grace which it is impossible to describe. Among the men, too, the sentiment of honour, based upon that regard for reputation to which ceremonial observance largely appeals, carries them to great extremes of consideration. Another verifying fact is furnished by another despotically-governed and highly ceremonious society, Russia. Custine says—"If fear renders the men serious, it also renders them extremely polite. I have never elsewhere seen so many men of all classes treating each other with such respect." Kindred, if less pronounced, examples of this connexion are to be found in Western countries. The Italian, long subject to tyrannical rule, and in danger of his life if he excites the vengeful feelings of a fellow-citizen, is distinguished by his conciliatory manner. In Spain, where governmental dictation is unlimited, where women are harshly treated, and where "no labourer ever walks outside his door without his knife," there is extreme politeness. Contrariwise our own people, long living under institutions which guard them against serious consequences from giving offence, greatly lack suavity, and show a comparative inattention to minor civilities.

Both deductively and inductively, then, we see that ceremonial government is one of the agencies by which social co-operation is facilitated among those whose natures are in large measure anti-social.

§ 432. And this brings us to the general truth that within each embodied set of restraining agencies—the ceremonial as well as the political and ecclesiastical which grow out of it—there gradually evolves, a special kind of disembodied control, which eventually becomes independent.

Political government, having for its original end subor-

dination; and inflicting penalties on men who injure others not because of the intrinsic badness of their acts but because their acts break the ruler's commands; has ever been habituating men to obey regulations conducive to social order; until there has grown up a consciousness that these regulations have not simply an extrinsic authority derived from a ruler's will, but have an intrinsic authority derived from their utility. The once arbitrary, fitful, and often irrational, dictates of a king, grow into an established system of laws, which formulate the needful limitations to men's actions arising from one another's claims. And these limitations men more and more recognize and conform to, not only without thinking of the monarch's injunctions, but without thinking of the injunctions set forth in Acts of Parliament. Simultaneously, out of the supposed wishes of the ancestral ghost, which now and again developing into the traditional commands of some expanded ghost of a great man, become divine injunctions, arises the set of requirements classed as religious. Within these, at first almost exclusively concerning acts expressing submission to the celestial king, there evolve the rules we distinguish as moral. As society advances, these moral rules become of a kind formulating the conduct requisite for personal, domestic, and social wellbeing. For a long time imperfectly differentiated from the essential political rules, and to the last enforcing their authority, these moral rules, originally regarded as sacred only because of their supposed divine origin, eventually acquire a sacredness derived from their observed utility in controlling certain parts of human conduct—parts not controlled, or little controlled, by civil law. Ideas of moral duty develop and consolidate into a moral code, which eventually becomes independent of its theological root. In the meantime, from within that part of ceremonial rule which has evolved into a system of regulations for social intercourse, there grows a third class of restraints; and these, in like manner, become at length inde-

pendent. From observances which, in their primitive forms, express partly subordination to a superior and partly attachment to him, and which, spreading downwards, become general forms of behaviour, there finally come observances expressing a proper regard for the individualities of other persons, and a true sympathy in their welfare. Ceremonies which originally have no other end than to propitiate a dominant person, pass, some of them, into rules of politeness; and these gather an authority distinct from that which they originally had. Apt evidence is furnished by the "Ritual Remembrancer" of the Chinese, which gives directions for all the actions of life. Its regulations "are interspersed with truly excellent observations regarding mutual forbearance and kindness in society, which is regarded as the true principle of etiquette." The higher the social evolution, the more does this inner element of ceremonial rule grow, while the outer formal element dwindles. As fast as the principles of natural politeness, seen to originate in sympathy, distinguish themselves from the code of ceremonial within which they originate, they replace its authority by a higher authority, and go on dropping its non-essentials while developing further its essentials.

So that as law differentiates from personal commands, and as morality differentiates from religious injunctions, so politeness differentiates from ceremonial observance. To which I may add, so does rational usage differentiate from fashion.

§ 433. Thus guided by retrospect we cannot doubt about the prospect. With further development of the social type based on voluntary co-operation, will come a still greater disuse of obeisances, of complimentary forms of address, of titles, of badges, &c., &c. The feelings alike of those by whom, and those to whom, acts expressing subordination are performed, will become more and more averse to them.

Of course the change will be, and should be, gradual. Just as, if political freedom is gained faster than men become adequately self-controlled, there results social disorder—just as abolition of religious restraints while yet moral restraints have not grown strong enough, entails increase of misconduct; so, if the observances regulating social intercourse lose their sway faster than the feelings which prompt true politeness develop, there inevitably follows more or less rudeness in behaviour and consequent liability to discord. It needs but to name certain of our lower classes, such as colliers and brickmakers, whose relations to masters and others are such as to leave them scarcely at all restrained, to see that considerable evils arise from a premature decay of ceremonial rule.

The normal advance toward that highest state in which the minor acts of men towards one another, like their major acts, are so controlled by internal restraints as to make external restraints needless, implies increasing fulfilment of two conditions. Both higher emotions and higher intelligence are required. There must be a stronger fellow feeling with all around, and there must be an intelligence developed to the extent needful for instantly seeing how all words and acts will tell upon their states of mind—an intelligence which, by each expression of face and cadence of speech, is informed what is the passing state of emotion, and how emotion has been affected by actions just committed.

ADDENDA.

MUTILATIONS.—In Chap. III., and in the appended note, I have assigned grounds for the conclusion that (beyond some which arise from the simulation of battle-wounds) the skin-marks made on savages, from the scars of great gashes down to tatoo-lines, originate in the wide-spread practice of letting blood for the dead at a funeral: naming, in all, there and elsewhere, fourteen illustrations. I add here an instructive one given by Beckwourth, "who for many years lived among" the Crows. Describing the ceremonies at a head chief's death, he writes:—

"Blood was streaming from every conceivable part of the bodies of all who were old enough to comprehend their loss. Hundreds of fingers were dismembered; hair torn from the head lay in profusion about the paths; wails and moans in every direction assailed the ear. . . . Long Hair cut off a large roll of his hair, a thing he was never known to do before. The cutting and hacking of human flesh exceeded all my previous experience; fingers were dismembered as readily as twigs, and blood was poured out like water. Many of the warriors would cut two gashes nearly the entire length of their arm; then, separating the skin from the flesh at one end, would grasp it in their other hand and rip it asunder to the shoulder. Others would carve various devices upon their breasts and shoulders, and raise the skin in the same manner to make the scars show to advantage after the wound was healed."—H. C. Yarrow's *Introduction to the Study of Mortuary Customs among the North American Indians*, pp. 90–91.

Here, besides seeing that offerings of blood are accompanied by offerings of fingers and of hair, with which I have associated them (all of them acts of propitiation which leave marks that become signs of allegiance and subordination), we get clear evidence of the transition to decorative marks. Some of the mourners "would carve various devices upon their breasts and shoulders," and raise the skin "to make the scars show to advantage." Dr. Tylor, who, describing my method as being that of deducing all men's customs "from laws of nature," alleges that my inferences are vitiated by it, contends that the skin-marks are all record-marks, when not deliberately decorative. Whether the inductive basis for this conclusion is wider than that for the conclusion drawn by me, and whether the superiority of Dr. Tylor's method is thereby shown, may be judged by the reader who refers to his essay.

PRESENTS.—In § 376, sundry facts were named which pointed to the conclusion that barter does not begin consciously as such, but is initiated by the exchange of presents, which usage more and more requires to be of equal values. My attention has since been drawn to a verifying instance in the *Iliad*; where, in token of friendship, an exchange of arms is made between Glaucus and Diomedes:—

"Howbeit Zeus then bereaved Glaucus of his wits, in that he exchanged with Diomedes, the son of Tydeus, golden arms for bronze, a hundred oxen's worth for nine."

Homer's obvious notion being that there should be likeness of worth in the presents mutually made; and the implication being that this

requirement was commonly observed. Of course, if a propitiatory gift, at first offered without expectation of a return, came eventually to be offered with expectation of an equivalent return, bargaining and barter would inevitably arise.

A clear illustration furnished by a primitive people still extant occurs in the account of the Andamanese given by Mr. E. H. Man in the *Journal of the Anthropological Institute*, vol. xi. pp. 285-6. Saying of this people that "it is customary for each family to supply itself with the chief necessaries in the shape of weapons and food," Mr. Man tells us that—

"They set no fixed value on their various properties, and rarely make or procure anything for the express purpose of bartering with it. . . . These transactions [exchanges] they are pleased to consider as presentations; but it is tacitly understood that no present is to be accepted unless an equivalent is rendered, and, as the opinions of donor and recipient are liable to differ as to the respective value of the articles in question, a quarrel is not unfrequently the result."

These facts, joined with the facts given in Chapter iv., go far to prove that savages (who invent nothing, but even in the making of implements develop this or that kind by unobtrusive modifications), were led unawares, and not aforethought, into the practice of barter.

That in the course of social evolution, presents precede fixed salaries, illustrated in § 875 by the fact, among others, that in the East the attendants of a man of power are supported chiefly by propitiatory gifts from those who come to get favours from him, is further illustrated by the fact that the great man himself similarly remunerates them if need be.

"Should he desire to retain any of them whose income does not prove sufficient, he himself makes presents to them, or favours them in their business by means of his influence, but never pays them wages."—Van Lennep, *Bible Lands and Customs*, ii. 592.

Which last fact, joined with the others before named of like kind, imply that exchange of services for payments, did not begin as such: services being at first given from fear, or loyalty, or the desire for protection; and any return made for these services, beyond the protection, not being consciously regarded as equivalent payment, but as a mark of approval or good will. The fact that the exchange of service for fixed payment developed out of this practice, harmonizes with, and confirms, the conclusion that the exchange of commodities had an analogous origin.

PART V.

POLITICAL INSTITUTIONS.

CHAPTER I.

PRELIMINARY.

§ 434. Thought and feeling cannot be completely dissociated. Each emotion has a more or less distinct framework of ideas; and each group of ideas is more or less suffused with emotion. There are, however, great differences between their degrees of combination under both of these aspects. We have some feelings which are vague from lack of intellectual definition; and others to which clear shapes are given by the associated conceptions. At one time our thoughts are distorted by the passion running through them; and at another time it is difficult to detect in them a trace of liking or disliking. Manifestly, too, in each particular case these components of the mental state may be varied in their proportions. The ideas being the same, the emotion joined with them may be greater or less; and it is a familiar truth that the correctness of the judgment formed, depends, if not on the absence of emotion, still, on that balance of emotions which negatives excess of any one.

Especially is this so in matters concerning human life. There are two ways in which men's actions, individual or social, may be regarded. We may consider them as groups of phenomena to be analyzed, and the laws of their dependence ascertained; or, considering them as causing pleasures or pains, we may associate with them approbation or reprobation. Dealing with its problems intellectually, we may

regard conduct as always the result of certain forces; or, dealing with its problems morally, and recognizing its outcome as in this case good and in that case bad, we may allow now admiration and now indignation to fill our consciousness. Obviously, it must make a great difference in our conclusions whether, as in the one case, we study men's doings as those of alien creatures, which it merely concerns us to understand; or whether, as in the other case, we contemplate them as the doings of creatures like ourselves, with whose lives our own lives are bound up, and whose behaviour arouses in us, directly and sympathetically, feelings of love or hate.

In an ancillary work, *The Study of Sociology*, I have described the various perversions produced in men's judgments by their emotions. Examples are given showing how fears and hopes betray them into false estimates; how impatience prompts unjust condemnations; how in this case antipathy, and in that case sympathy, distorts belief. The truth that the bias of education and the bias of patriotism severally warp men's convictions, is enforced by many illustrations. And it is pointed out that the more special forms of bias—the class bias, the political bias, the theological bias—each originates a predisposition towards this or that view of public affairs.

Here let me emphasize the conclusion that in pursuing our sociological inquiries, and especially those on which we are now entering, we must, as much as possible, exclude whatever emotions the facts are calculated to excite, and attend solely to the interpretation of the facts. There are several groups of phenomena in contemplating which either contempt, or disgust, or indignation, tends to arise but must be restrained.

§ 435. Instead of passing over as of no account, or else regarding as purely mischievous, the superstitions of the primitive man, we must inquire what part they play in

social evolution; and must be prepared, if need be, to recognize their usefulness. Already we have seen that the belief which prompts the savage to bury valuables with the corpse and carry food to the grave, has a natural genesis; that the propitiation of plants and animals, and the "worship of stocks and stones," are not gratuitous absurdities; and that slaves are sacrificed at funerals in pursuance of an idea which seems rational to uninstructed intelligence. Presently we shall have to consider in what way the ghost-theory has operated politically; and if we should find reason to conclude that it has been an indispensable aid to political progress, we must be ready to accept the conclusion.

Knowledge of the miseries which have for countless ages been everywhere caused by the antagonisms of societies, must not prevent us from recognizing the all-important part these antagonisms have played in civilization. Shudder as we must at the cannibalism which all over the world in early days was a sequence of war—shrink as we may from the thought of those immolations of prisoners which have, tens of thousands of times, followed battles between wild tribes—read as we do with horror of the pyramids of heads and the whitening bones of slain peoples left by barbarian invaders—hate, as we ought, the militant spirit which is even now among ourselves prompting base treacheries and brutal aggressions; we must not let our feelings blind us to the proofs that inter-social conflicts have furthered the development of social structures.

Moreover, dislikes to governments of certain kinds must not prevent us from seeing their fitnesses to their circumstances. Though, rejecting the common idea of glory, and declining to join soldiers and school-boys in applying the epithet "great" to conquering despots, we detest despotism—though we regard their sacrifices of their own peoples and of alien peoples in pursuit of universal dominion as gigantic crimes; we must yet recognize the benefits occasionally arising from the consolidations they achieve. Neither the

massacres of subjects which Roman emperors directed, nor the assassinations of relatives common among potentates in the East, nor the impoverishment of whole nations by the exactions of tyrants, must so revolt us as to prevent appreciation of the benefits which have, under certain conditions, resulted from the unlimited power of the supreme man. Nor must the remembrances of torturing implements, and oubliettes, and victims built into walls, shut out from our minds the evidence that abject submission of the weak to the strong, however unscrupulously enforced, has in some times and places been necessary.

So, too, with the associated ownership of man by man. Absolute condemnation of slavery must be witheld, even if we accept the tradition repeated by Herodotus, that to build the Great Pyramid relays of a hundred thousand slaves toiled for twenty years; or even if we find it true that of the serfs compelled to work at the building of St. Petersburg, three hundred thousand perished. Though aware that the unrecorded sufferings of men and women held in bondage are beyond imagination, we must be willing to receive such evidence as there may be that benefits have resulted.

In brief, trustworthy interpretations of social arrangements imply an almost passionless consciousness. Though feeling cannot and ought not to be excluded from the mind when otherwise contemplating them, yet it ought to be excluded when contemplating them as natural phenomena to be understood in their causes and effects.

§ 436. Maintenance of this mental attitude will be furthered by keeping before ourselves the truth that in human actions the absolutely bad may be relatively good, and the absolutely good may be relatively bad.

Though it has become a common-place that the institutions under which one race prospers will not answer for another, the recognition of this truth is by no means adequate. Men who have lost faith in "paper constitutions," nevertheless

advocate such conduct towards inferior races, as implies the belief that civilized social forms can with advantage be imposed on uncivilized peoples; that the arrangements which seem to us vicious are vicious for them; and that they would benefit by institutions—domestic, industrial, or political—akin to those which we find beneficial. But acceptance of the truth that the type of a society is determined by the natures of its units, forces on us the corollary that a *régime* intrinsically of the lowest, may yet be the best possible under primitive conditions.

Otherwise stating the matter, we must not substitute our developed code of conduct, which predominantly concerns private relations, for the undeveloped code of conduct, which predominantly concerns public relations. Now that life is generally occupied in peaceful intercourse with fellow-citizens, ethical ideas refer chiefly to actions between man and man; but in early stages, while the occupation of life was mainly in conflicts with adjacent societies, such ethical ideas as existed referred almost wholly to inter-social actions: men's deeds were judged by their direct bearings on tribal welfare. And since preservation of the society takes precedence of individual preservation, as being a condition to it, we must, in considering social phenomena, interpret good and bad rather in their earlier senses than in their later senses; and so must regard as relatively good, that which furthers survival of the society, great as may be the suffering inflicted on its members.

§ 437. Another of our ordinary conceptions has to be much widened before we can rightly interpret political evolution. The words "civilized" and "savage" must have given to them meanings differing greatly from those which are current. That broad contrast usually drawn wholly to the advantage of the men who form large nations, and to the disadvantage of the men who form simple groups, a better knowledge obliges us profoundly to qualify. Characters are to be

found among rude peoples which compare well with those of the best among cultivated peoples. With little knowledge and but rudimentary arts, there in some cases go virtues which might shame those among ourselves whose education and polish are of the highest.

Surviving remnants of some primitive races in India, have natures in which truthfulness seems to be organic. Not only to the surrounding Hindoos, higher intellectually and relatively advanced in culture, are they in this respect far superior; but they are superior to Europeans. Of certain of these Hill peoples it is remarked that their assertions may always be accepted with perfect confidence; which is more than can be said of manufacturers who use false trade-marks, or of diplomatists who intentionally delude. As having this trait may be named the Santáls, of whom Hunter says, "they were the most truthful set of men I ever met;" and, again, the Sowrahs, of whom Shortt says, "a pleasing feature in their character is their complete truthfulness. They do not know how to tell a lie." Notwithstanding their sexual relations of a primitive and low type, even the Todas are described as considering "falsehood one of the worst of vices." Though Metz says that they practise dissimulation towards Europeans, yet he recognizes this as a trait consequent on their intercourse with Europeans; and this judgment coincides with one given to me by an Indian civil servant concerning other Hill tribes, originally distinguished by their veracity, but who are rendered less veracious by contact with the whites. So rare is lying among these aboriginal races when unvitiated by the "civilized," that, of those in Bengal, Hunter singles out the Tipperahs as "the only hill-tribe in which this vice is met with."

Similarly in respect of honesty, some of these peoples classed as inferior read lessons to those classed as superior. Of the Todas just named, ignorant and degraded as they are in some respects, Harkness says, "I never saw a people, civilized or uncivilized, who seemed to have a more religious

respect for the rights of *meum* and *tuum*." The Marias (Gonds), "in common with many other wild races, bear a singular character for truthfulness and honesty." Among the Khonds "the denial of a debt is a breach of this principle, which is held to be highly sinful. 'Let a man,' say they, 'give up all he has to his creditors.'" The Santál prefers to have "no dealings with his guests; but when his guests introduce the subject he deals with them as honestly as he would with his own people:" "he names the true price at first." The Lepchas "are wonderfully honest, theft being scarcely known among them." And the Bodo and Dhimáls are "honest and truthful in deed and word." Colonel Dixon dilates on the "fidelity, truth, and honesty" of the Carnatic aborigines, who show "an extreme and almost touching devotion when put upon their honour." And Hunter asserts of the Chakmás, that "crime is rare among these primitive people. . . . . Theft is almost unknown."

So it is, too, with the general virtues of these and sundry other uncivilized tribes. The Santál "possesses a happy disposition," is "sociable to a fault," and while the "sexes are greatly devoted to each other's society," the women are "exceedingly chaste." The Bodo and the Dhimáls are "full of amiable qualities." The Lepcha, "cheerful, kind, and patient," is described by Dr. Hooker as a most "attractive companion;" and Dr. Campbell gives "an instance of the effect of a very strong sense of duty on this savage." In like manner, from accounts of certain Malayo-Polynesian societies, and certain Papuan societies, may be given instances showing in high degrees sundry traits which we ordinarily associate only with a human nature that has been long subject to the discipline of civilized life and the teachings of a superior religion. One of the latest testimonials is that of Signor D'Albertis, who describes certain New Guinea people he visited (near Yule Island) as strictly honest, "very kind," good and peaceful," and who, after disputes between villages, "are as friendly as before, bearing no animosity;" but

of whom the Rev. W. G. Lawes, commenting on Signor D'Albertis' communication to the Colonial Institute, says that their goodwill to the whites is being destroyed by the whites' ill-treatment of them: the usual history.

Contrariwise, in various parts of the world men of several types yield proofs that societies relatively advanced in organization and culture, may yet be inhuman in their ideas, sentiments, and usages. The Fijians, described by Dr. Pickering as among the most intelligent of unlettered peoples, are among the most ferocious. "Intense and vengeful malignity strongly marks the Fijian character." Lying, treachery, theft, and murder, are with them not criminal, but honourable; infanticide is immense in extent; strangling the sickly habitual; and they sometimes cut up while alive the human victims they are going to eat. Nevertheless they have a "complicated and carefully-conducted political system;" well-organized military forces; elaborate fortifications; a developed agriculture with succession of crops and irrigation; a considerable division of labour; a separate distributing agency with incipient currency; and a skilled industry which builds canoes that carry three hundred men. Take again an African society, Dahomey. We find there a finished system of classes, six in number; complex governmental arrangements with officials always in pairs; an army divided into battalions, having reviews and sham fights; prisons, police, and sumptuary laws; an agriculture which uses manure and grows a score kinds of plants; moated towns, bridges, and roads with turnpikes. Yet along with this comparatively high social development there goes what we may call organized criminality. Wars are made to get skulls with which to decorate the royal palace; hundreds of subjects are killed when a king dies; and great numbers are annually slaughtered to carry messages to the other world. Described as cruel and blood-thirsty, liars and cheats, the people are "void either of sympathy or gratitude, even in their own families;" so that "not even the appear-

ance of affection exists between husband and wife, or between parents and children." The New World, too, furnished when it was discovered, like evidence. Having great cities of 120,000 houses, the Mexicans had also cannibal gods, whose idols were fed on warm, reeking, human flesh, thrust into their mouths—wars being made purposely to supply victims for them; and with skill to build vast and stately temples, there went the immolation of two thousand five hundred persons annually, in Mexico and adjacent towns alone, and of a far greater number throughout the country at large. Similarly in the populous Central American States, sufficiently civilized to have a developed system of calculation, a regular calendar, books, maps, &c., there were extensive sacrifices of prisoners, slaves, children, whose hearts were torn out and offered palpitating on altars, and who, in other cases, were flayed alive and their skins used as dancing-dresses by the priests.

Nor need we seek in remote regions or among alien races, for proofs that there does not exist a necessary connexion between the social types classed as civilized and those higher sentiments which we commonly associate with civilization. The mutilations of prisoners exhibited on Assyrian sculptures are not surpassed in cruelty by any we find among the most bloodthirsty of wild races; and Rameses II., who delighted in having himself sculptured on temple-walls throughout Egypt as holding a dozen captives by the hair, and striking off their heads at a blow, slaughtered during his conquests more human beings than a thousand chiefs of savage tribes put together. The tortures inflicted on captured enemies by Red Indians are not greater than were those inflicted of old on felons by crucifixion, or on suspected rebels by sewing them up in the hides of slaughtered animals, or on heretics by smearing them over with combustibles and setting fire to them. The Damaras, described as so heartless that they laugh on seeing one of their number killed by a wild beast, are not worse than were the Romans, who gratified

themselves by watching wholesale slaughters in their arenas. If the numbers destroyed by the hordes of Attila were not equalled by the numbers which the Roman armies destroyed at the conquest of Selucia, and by the numbers of the Jews massacred under Hadrian, it was simply because the occasions did not permit. The cruelties of Nero, Gallienus, and the rest, may compare with those of Zingis and Timour; and when we read of Caracalla, that after he had murdered twenty thousand friends of his murdered brother, his soldiers forced the Senate to place him among the gods, we are shown that in the Roman people there was a ferocity not less than that which deifies the most sanguinary chiefs among the worst of savages. Nor did Christianity greatly change matters. Throughout Mediæval Europe, political offences and religious dissent brought on men carefully-devised agonies equalling if not exceeding any inflicted by the most brutal of barbarians.

Startling as the truth seems, it is yet a truth to be recognized, that increase of humanity does not go on *pari passu* with civilization; but that, contrariwise, the earlier stages of civilization necessitate a relative inhumanity. Among tribes of primitive men, it is the more brutal rather than the more kindly who succeed in those conquests which effect the earliest social consolidations; and through many subsequent stages unscrupulous aggression outside of the society and cruel coercion within, are the habitual concomitants of political development. The men of whom the better organized societies have been formed, were at first, and long continued to be, nothing else but the stronger and more cunning savages; and even now, when freed from those influences which superficially modify their behaviour, they prove themselves to be little better. If, on the one hand, we contemplate the utterly uncivilized Wood-Veddahs, who are described as "proverbially truthful and honest," "gentle and affectionate," "obeying the slightest intimation of a wish, and very grateful for attention or assistance," and of whom Pridham remarks—"What a lesson in gratitude and delicacy even a Veddah may teach!"

and then if, on the other hand, we contemplate our own recent acts of international brigandage, accompanied by the slaughter of thousands who have committed no wrong against us—accompanied, too, by perfidious breaches of faith and the killing of prisoners in cold blood; we must admit that between the types of men classed as uncivilized and civilized, the differences are not necessarily of the kinds commonly supposed. Whatever relation exists between moral nature and social type, is not such as to imply that the social man is in all respects emotionally superior to the pre-social man.*

§ 438. "How is this conclusion to be reconciled with the conception of progress?" most readers will ask. "How is civilization to be justified if, as is thus implied, some of the highest of human attributes are exhibited in greater degrees by wild people who live scattered in pairs in the woods, than by the members of a vast, well-organized nation, having

* What the social man, even of advanced race, is capable of, has been again shown while these lines are standing in type. To justify the destruction of two African towns in Batanga, we are told that their king, wishing to have a trading factory established, and disappointed with the promise of a sub-factory, boarded an English schooner, carried off Mr. Govier, the mate, and refusing to release him when asked, "threatened to cut the man's head off": a strange mode, if true, of getting a trading factory established. Mr. Govier afterwards escaped; not having been ill-treated during his detention. Anchoring the *Boadicea* and two gunboats off Kribby's Town ("King Jack's" residence), Commodore Richards demanded of the king that he should come on board and explain: promising him safety, and threatening serious consequences in case of refusal. Not trusting the promise, the king failed to come. Without ascertaining from the natives whether they had any reason for laying hands on Mr. Govier, save this most improbable one alleged by our people, Commodore Richards proceeded, after some hours' notice, to clear the beach with shells, to burn the town of 300 houses, to cut down the natives' crops, and to destroy their canoes; and then, not satisfied with burning "King Jack's" town, went further south and burnt "King Long-Long's" town. These facts are published in the *Times* of September 10, 1880. In an article on them, this organ of English respectability regrets that "the punishment must seem, to the childish mind of the savage, wholly disproportionate to the offence:" implying that to the adult mind of the civilized it will not seem disproportionate. Further, this leading journal of ruling classes who hold that, in the absence of established

marvellously-elaborated arts, extensive and profound knowledge, and multitudinous appliances to welfare?" The answer to this question will best be conveyed by an analogy.

As carried on throughout the animate world at large, the struggle for existence has been an indispensable means to evolution. Not simply do we see that in the competition among individuals of the same kind, survival of the fittest, has from the beginning furthered production of a higher type; but we see that to the unceasing warfare between species is mainly due both growth and organization. Without universal conflict there would have been no development of the active powers. The organs of perception and of locomotion have been little by little evolved during the interaction of pursuers and pursued. Improved limbs and senses have furnished better supplies to the viscera, and improved visceral structures have ensured a better supply of aerated blood to the limbs and senses; while a higher nervous system has at each stage been called into play for co-ordinating the actions of these more complex structures. Among predatory animals death by starvation, and among animals preyed upon death by destruction, have carried off the least-favourably modified individuals and varieties. Every advance in strength, speed, agility, or sagacity, in creatures of the one class, has necessitated a corresponding advance in creatures of the other class; and without never-ending efforts to catch and to escape, with loss of life as the penalty for failure, the progress of neither could have been achieved.

theological dogmas, there would be no distinction between right and wrong, remarks that "if it were not for this dark shadow cast over it by this loss of life" [of two of our men], "the whole episode would be somewhat humorous." Doubtless, after the "childish mind of the savage" has accepted the "glad tidings" brought by missionaries of "the religion of love," there is humour, somewhat of the grimmest, perhaps, in showing him the practice of this religion by burning his house. Comments on Christian virtues, uttered by exploding shells, may fitly be accompanied by a Mephistophelian smile. Possibly the king, in declining to trust himself on board an English ship, was swayed by the common Negro belief that the devil is white.

Mark now, however, that while this merciless discipline of Nature, "red in tooth and claw," has been essential to the progress of sentient life, its persistence through all time with all creatures must not be inferred. The high organization evolved by and for this universal conflict, is not necessarily for ever employed to like ends. The resulting power and intelligence admit of being far otherwise employed. Not for offence and defence only are the inherited structures useful, but for various other purposes; and these various other purposes may finally become the exclusive purposes. The myriads of years of warfare which have developed the powers of all lower types of creatures, have bequeathed to the highest type of creature the powers now used by him for countless objects besides those of killing and avoiding being killed. His limbs, teeth and nails are but little employed in fight; and his mind is not ordinarily occupied in devising ways of destroying other creatures, or guarding himself from injury by them.

Similarly with social organisms. We must recognize the truth that the struggles for existence between societies have been instrumental to their evolution. Neither the consolidation and re-consolidation of small groups into large ones; nor the organization of such compound and doubly compound groups; nor the concomitant developments of those aids to a higher life which civilization has brought; would have been possible without inter-tribal and inter-national conflicts. Social cooperation is initiated by joint defence and offence; and from the cooperation thus initiated, all kinds of cooperations have arisen. Inconceivable as have been the horrors caused by this universal antagonism which, beginning with the chronic hostilities of small hordes tens of thousands of years ago, has ended in the occasional vast battles of immense nations, we must nevertheless admit that without it the world would still have been inhabited only by men of feeble types, sheltering in caves and living on wild food.

But now observe that the inter-social struggle for existence which has been indispensable in evolving societies, will not necessarily play in the future a part like that which it has played in the past. Recognizing our indebtedness to war for forming great communities and developing their structures, we may yet infer that the acquired powers, available for other activities, will lose their original activities. While conceding that without these perpetual bloody strifes, civilized societies could not have arisen, and that an adapted form of human nature, fierce as well as intelligent, was a needful concomitant; we may at the same time hold that such societies having been produced, the brutality of nature in their units which was necessitated by the process, ceasing to be necessary with the cessation of the process, will disappear. While the benefits achieved during the predatory period remain a permanent inheritance, the evils entailed by it will decrease and slowly die out.

Thus, then, contemplating social structures and actions from the evolution point of view, we may preserve that calmness which is needful for scientific interpretation of them, without losing our powers of feeling moral reprobation or approbation.

§ 439. To these preliminary remarks respecting the mental attitude to be preserved by the student of political institutions, a few briefer ones must be added respecting the subject-matters he has to deal with.

If societies were all of the same species and differed only in their stages of growth and structure, comparisons would disclose clearly the course of evolution; but unlikenesses of type among them, here great and there small, obscure the results of such comparisons.

Again, if each society grew and unfolded itself without the intrusion of additional factors, interpretation would be relatively easy; but the complicated processes of development are frequently re-complicated by changes in the sets of

factors. Now the size of the social aggregate is all at once increased or decreased by annexation or by loss of territory; and now the average character of its units is altered by the coming in of another race as conquerors or as slaves; while, as a further effect of this event, new social relations are superposed on the old. In many cases the repeated overrunnings of societies by one another, the minglings of peoples and institutions, the breakings up and re-aggregations, so destroy the continuity of normal processes as to make it extremely difficult, if not impossible, to draw conclusions.

Once more, modifications in the average mode of life pursued by a society, now increasingly warlike and now increasingly industrial, initiate metamorphoses: changed activities generate changes of structures. Consequently there have to be distinguished those progressive re-arrangements caused by the further development of one social type, from those caused by the commencing development of another social type. The lines of an organization adapted to a mode of activity which has ceased, or has been long suspended, begin to fade, and are traversed by the increasingly-definite lines of an organization adapted to the mode of activity which has replaced it; and error may result from mistaking traits belonging to the one for those belonging to the other.

Hence we may infer that out of the complex and confused evidence, only the larger truths will emerge with clearness. While anticipating that certain general conclusions are to be positively established, we may anticipate that more special ones can be alleged only as probable.

Happily, however, as we shall eventually see, those general conclusions admitting of positive establishment, are the conclusions of most value for guidance.

CHAPTER II.

POLITICAL ORGANIZATION IN GENERAL.

§ 440. The mere gathering of individuals into a group does not constitute them a society. A society, in the sociological sense, is formed only when, besides juxtaposition there is cooperation. So long as members of the group do not combine their energies to achieve some common end or ends, there is little to keep them together. They are prevented from separating only when the wants of each are better satisfied by uniting his efforts with those of others, than they would be if he acted alone.

Cooperation, then, is at once that which can not exist without a society, and that for which a society exists. It may be a joining of many strengths to affect something which the strength of no single man can effect; or it may be an apportioning of different activities to different persons, who severally participate in the benefits of one another's activities. The motive for acting together, originally the dominant one, may be defence against enemies; or it may be the easier obtainment of food, by the chase or otherwise; or it may be, and commonly is, both of these. In any case, however, the units pass from the state of perfect independence to the state of mutual dependence; and as fast as they do this they become united into a society rightly so called.

But cooperation implies organization. If acts are to be effectually combined, there must be arrangements under which they are adjusted in their times, amounts, and characters.

§ 441. This social organization, necessary as a means to concerted action, is of two kinds. Though these two kinds

generally co-exist, and are more or less interfused, yet they are distinct in their origins and natures. There is a spontaneous cooperation which grows up without thought during the pursuit of private ends; and there is a cooperation which, consciously devised, implies distinct recognition of public ends. The ways in which the two are respectively established and carried on, present marked contrasts.

Whenever, in a primitive group, there begins that cooperation which is effected by exchange of services—whenever individuals find their wants better satisfied by giving certain products which they can make best, in return for other products they are less skilled in making, or not so well circumstanced for making, there is initiated a kind of organization which then, and throughout its higher stages, results from endeavours to meet personal needs. Division of labour, to the last as at first, grows by experience of mutual facilitations in living. Each new specialization of industry arises from the effort of one who commences it to get profit; and establishes itself by conducing in some way to the profit of others. So that there is a kind of concerted action, with an elaborate social organization developed by it, which does not originate in deliberate concert. Though within the small subdivisions of this organization, we find everywhere repeated the relation of employer and employed, of whom the one directs the actions of the other; yet this relation, spontaneously formed in aid of private ends and continued only at will, is not formed with conscious reference to achievement of public ends: these are not thought of. And though, for regulating trading activities, there arise agencies serving to adjust the supplies of commodities to the demands; yet such agencies do this not by direct stimulations or restraints, but by communicating information which serves to stimulate or restrain; and, further, these agencies grow up not for the avowed purpose of thus regulating, but in the pursuit of gain by individuals. So unintentionally has there arisen the elaborate division of labour by which production and distri-

bution are now carried on, that only in modern days has there come a recognition of the fact that it has all along been arising.

On the other hand, cooperation for a purpose immediately concerning the whole society, is a conscious cooperation; and is carried on by an organization of another kind, formed in a different way. When the primitive group has to defend itself against other groups, its members act together under further stimuli than those constituted by purely personal desires. Even at the outset, before any control by a chief exists, there is the control exercised by the group over its members; each of whom is obliged, by public opinion, to join in the general defence. Very soon the warrior of recognized superiority begins to exercise over each, during war, an influence additional to that exercised by the group; and when his authority becomes established, it greatly furthers combined action. From the beginning, therefore, this kind of social cooperation is a conscious cooperation, and a cooperation which is not wholly a matter of choice—is often at variance with private wishes. As the organization initiated by it develops, we see that, in the first place, the fighting division of the society displays in the highest degree these same traits: the grades and divisions constituting an army, cooperate more and more under the regulation, consciously established, of agencies which override individual volitions—or, to speak strictly, control individuals by motives which prevent them from acting as they would spontaneously act. In the second place, we see that throughout the society as a whole there spreads a kindred form of organization—kindred in so far that, for the purpose of maintaining the militant body and the government which directs it, there are established over citizens, agencies which force them to labour more or less largely for public ends instead of private ends. And, simultaneously, there develops a further organization, still akin in its fundamental principle, which restrains individual actions in such wise that social safety shall not be

endangered by the disorder consequent on unchecked pursuit of personal ends. So that this kind of social organization is distinguished from the other, as arising through conscious pursuit of public ends; in furtherance of which individual wills are constrained, first by the joint wills of the entire group, and afterwards more definitely by the will of a regulative agency which the group evolves.

Most clearly shall we perceive the contrast between these two kinds of organization on observing that, while they are both instrumental to social welfare, they are instrumental in converse ways. That organization shown us by the division of labour for industrial purposes, exhibits combined action; but it is a combined action which directly seeks and subserves the welfares of individuals, and indirectly subserves the welfare of society as a whole by preserving individuals. Conversely, that organization evolved for governmental and defensive purposes, exhibits combined action; but it is a combined action which directly seeks and subserves the welfare of the society as a whole, and indirectly subserves the welfares of individuals by protecting the society. Efforts for self-preservation by the units originate the one form of organization; while efforts for self-preservation by the aggregate originate the other form of organization. In the first case there is conscious pursuit of private ends only; and the correlative organization resulting from this pursuit of private ends, growing up unconsciously, is without coercive power. In the second case there is conscious pursuit of public ends; and the correlative organization, consciously established, exercises coercion.

Of these two kinds of cooperation and the structures effecting them, we are here concerned only with one. Political organization is to be understood as that part of social organization which constantly carries on directive and restraining functions for public ends. It is true, as already hinted, and as we shall see presently, that the two kinds are mingled in various ways—that each ramifies through the

other more or less according to their respective degrees of predominance. But they are essentially different in origin and nature; and for the present we must, so far as may be, limit our attention to the last.

§ 442. That the cooperation into which men have gradually risen secures to them benefits which could not be secured while, in their primitive state, they acted singly; and that, as an indispensable means to this cooperation, political organization has been, and is, advantageous; we shall see on contrasting the states of men who are not politically organized, with the states of men who are politically organized in less or greater degrees.

There are, indeed, conditions under which as good an individual life is possible without political organization as with it. Where, as in the habitat of the Esquimaux, there are but few persons and these widely scattered; where there is no war, probably because the physical impediments to it are great and the motives to it feeble; and where circumstances make the occupations so uniform that there is little scope for division of labour; mutual dependence can have no place, and the arrangements which effect it are not needed. Recognizing this exceptional case, let us consider the cases which are not exceptional.

The Digger Indians, "very few degrees removed from the ourang-outang," who, scattered among the mountains of the Sierra Nevada, sheltering in holes and living on roots and vermin, "drag out a miserable existence in a state of nature, amid the most loathsome and disgusting squalor," differ from the other divisions of the Shoshones by their entire lack of social organization. The river-haunting and plain-haunting divisions of the race, under some, though but slight, governmental control, lead more satisfactory lives. In South America the Chaco Indians, low in type as are the Diggers, and like them degraded and wretched in their lives, are similarly contrasted with the superior and more comfortable sav-

ages around them in being dissociated. Among the Bedouin tribes, the Sherarat are unlike the rest in being divided and sub-divided into countless bands which have no common chief; and they are described as being the most miserable of the Bedouins. More decided still is the contrast noted by Baker between certain adjacent African peoples. Passing suddenly, he says, from the unclothed, ungoverned tribes—from the "wildest savagedom to semi-civilisation"—we come, in Unyoro, to a country ruled by "an unflinching despot," inflicting "death or torture" for "the most trivial offences;" but where they have developed administration, sub-governors, taxes, good clothing, arts, agriculture, architecture. So, too, concerning New Zealand when first discovered, Cook remarked that there seemed to be greater prosperity and populousness in the regions subject to a king.

These last cases introduce us to a further truth. Not only does that first step in political organization which places individuals under the control of a tribal chief, bring the advantages gained by better cooperation; but such advantages are increased when minor political heads become subject to a major political head. As typifying the evils which are thereby avoided, I may name the fact that among the Beloochees, whose tribes, unsubordinated to a general ruler, are constantly at war with one another, it is the habit to erect a small mud tower in each field, where the possessor and his retainers guard his produce: a state of things allied to, but worse than, that of the Highland clans, with their strongholds for sheltering women and cattle from the inroads of their neighbours, in days when they were not under the control of a central power. The benefits derived from such wider control, whether of a simple head or of a compound head, were felt by the early Greeks when an Amphictyonic council established the laws that "no Hellenic tribe is to lay the habitations of another level with the ground; and from no Hellenic city is the water to be cut off during a siege." How that advance of political structure which unites smaller com-

munities into larger ones furthers welfare, was shown in our own country when, by the Roman conquest, the incessant fights between tribes were stopped; and again, in later days, when feudal nobles, becoming subject to a monarch, were debarred from private wars. Under its converse aspect the same truth was illustrated when, amidst the anarchy which followed the collapse of the Carolingian empire, dukes and counts, resuming their independence, became active enemies to one another: their state being such that "when they were not at war they lived by open plunder." And the history of Europe has repeatedly, in many places and times, furnished kindred illustrations.

While political organization, as it extends itself throughout masses of increasing size, directly furthers welfare by removing that impediment to cooperation which the antagonisms of individuals and of tribes cause, it indirectly furthers it in another way. Nothing beyond a rudimentary division of labour can arise in a small social group. Before commodities can be multiplied in their kinds, there must be multiplied kinds of producers; and before each commodity can be produced in the most economical way, the different stages in the production of it must be apportioned among special hands. Nor is this all. Neither the required complex combinations of individuals, nor the elaborate mechanical appliances which facilitate manufacture, can arise in the absence of a large community, generating a great demand.

§ 443. But though the advantages gained by cooperation presuppose political organization, this political organization necessitates disadvantages; and it is quite possible for these disadvantages to outweigh the advantages. The controlling structures have to be maintained; the restraints they impose have to be borne; and the evils inflicted by taxation and by tyranny may become greater than the evils prevented.

Where, as in the East, the rapacity of monarchs has sometimes gone to the extent of taking from cultivators so much

of their produce as to have afterwards to return part for seed, we see exemplified the truth that the agency which maintains order may cause miseries greater than the miseries caused by disorder. The state of Egypt under the Romans, who, on the native set of officials superposed their own set, and who made drafts on the country's resources not for local administration only but also for imperial administration, furnishes an instance. Beyond the regular taxes there were demands for feeding and clothing the military, wherever quartered. Extra calls were continually made on the people for maintaining public works and subaltern agents. Men in office were themselves so impoverished by exactions that they "assumed dishonourable employments or became the slaves of persons in power." Gifts made to the government were soon converted into forced contributions. And those who purchased immunities from extortions found them disregarded as soon as the sums asked had been received. More terrible still were the curses following excessive development of political organization in Gaul, during the decline of the Roman Empire:—

"So numerous were the receivers in comparison with the payers, and so enormous the weight of taxation, that the labourer broke down, the plains became deserts, and woods grew where the plough had been. . . . . It were impossible to number the officials who were rained upon every province and town. . . . . The crack of the lash and the cry of the tortured filled the air. The faithful slave was tortured for evidence against his master, the wife to depose against her husband, the son against his sire. . . . . Not satisfied with the returns of the first enumerators, they sent a succession of others, who each swelled the valuation—as a proof of service done; and so the imposts went on increasing. Yet the number of cattle fell off, and the people died. Nevertheless, the survivors had to pay the taxes of the dead."

And how literally in this case the benefits were exceeded by the mischiefs, is shown by the contemporary statement that "they fear the enemy less than the tax-gatherer: the truth is, that they fly to the first to avoid the last. Hence the one unanimous wish of the Roman populace, that it was their lot to live with the barbarian." In the same region during

later times the lesson was repeated. While internal peace and its blessings were achieved in mediæval France as fast as feudal nobles became subordinate to the king—while the central power, as it grew stronger, put an end to that primitive practice of a blood-revenge which wreaked itself on any relative of an offender, and made the "truce of God" a needful mitigation of the universal savagery; yet from this extension of political organization there presently grew up evils as great or greater—multiplication of taxes, forced loans, groundless confiscations, arbitrary fines, progressive debasements of coinage, and a universal corruption of justice consequent on the sale of offices: the results being that many people died by famine, some committed suicide, while others, deserting their homes, led a wandering life. And then, afterwards, when the supreme ruler, becoming absolute, controlled social action in all its details, through an administrative system vast in extent and ramifications, with the general result that in less than two centuries the indirect taxation alone "crossed the enormous interval between 11 millions and 311," there came the national impoverishment and misery which resulted in the great revolution. Even the present day supplies kindred evidence from sundry places. A voyage up the Nile shows every observer that the people are better off where they are remote from the centre of government—that is, where administrative agencies cannot so easily reach them. Nor is it only under the barbaric Turk that this happens. Notwithstanding the boasted beneficence of our rule in India, the extra burdens and restraints it involves, have the effect that the people find adjacent countries preferable: the ryots in some parts have been leaving their homes and settling in the territory of the Nizam and in Gwalior.

Not only do those who are controlled suffer from political organization evils which greatly deduct from, and sometimes exceed, the benefits. Numerous and rigid governmental restraints shackle those who impose them, as well as those on whom they are imposed. The successive grades of ruling

agents, severally coercing grades below, are themselves coerced by grades above; and even the highest ruling agent is enslaved by the system created for the preservation of his supremacy. In ancient Egypt the daily life of the king was minutely regulated alike as to its hours, its occupations, its ceremonies; so that, nominally all powerful, he was really less free than a subject. It has been, and is, the same with other despotic monarchs. Till lately in Japan, where the form of organization had become fixed, and where, from the highest to the lowest, the actions of life were prescribed in detail, the exercise of authority was so burdensome that voluntary resignation of it was frequent: we read that "the custom of abdication is common among all classes, from the Emperor down to his meanest subject." European states have exemplified this re-acting tyranny. "In the Byzantine palace," says Gibbon, "the Emperor was the first slave of the ceremonies he imposed." Concerning the tedious court life of Louis XIV., Madame de Maintenon remarks—"Save those only who fill the highest stations, I know of none more unfortunate than those who envy them. If you could only form an idea of what it is!"

So that while the satisfaction of men's wants is furthered both by the maintenance of order and by the formation of aggregates large enough to permit extensive division of labour, it is hindered both by great deductions from the products of their actions, and by the restraints imposed on their actions—usually in excess of the needs. And political control indirectly entails evils on those who exercise it as well as on those over whom it is exercised.

§ 444. The stones composing a house cannot be otherwise used until the house has been pulled down. If the stones are united by mortar, there must be extra trouble in destroying their present combination before they can be re-combined. And if the mortar has had centuries in which to consolidate, the breaking up of the masses formed is a matter of such

difficulty, that building with new materials becomes more economical than rebuilding with the old.

I name these facts to illustrate the truth that any arrangement stands in the way of re-arrangement; and that this must be true of organization, which is one kind of arrangement. When, during the evolution of a living body, its component substance, at first relatively homogeneous, has been transformed into a combination of heterogeneous parts, there results an obstacle, always great and often insuperable, to any considerable further change: the more elaborate and definite the structure the greater being the resistance it opposes to alteration. And this, which is conspicuously true of an individual organism, is true, if less conspicuously, of a social organism. Though a society, formed of discrete units, and not having had its type fixed by inheritance from countless like societies, is much more plastic, yet the same principle holds. As fast as its parts are differentiated—as fast as there arise classes, bodies of functionaries, established administrations, these, becoming coherent within themselves and with one another, struggle against such forces as tend to modify them. The conservatism of every long-settled institution daily exemplifies this law. Be it in the antagonism of a church to legislation interfering with its discipline; be it in the opposition of an army to abolition of the purchase-system; be it in the disfavour with which the legal profession at large has regarded law-reform; we see that neither in their structures nor in their modes of action, are parts that have once been specialized easily changed.

As it is true of a living body that its various acts have as their common end self-preservation, so is it true of its component organs that they severally tend to preserve themselves in their integrity. And, similarly, as it is true of a society that maintenance of its existence is the aim of its combined actions, so it is true of its separate classes, its sets of officials, its other specialized parts, that the dominant aim of each is to maintain itself. Not the function to be per-

formed, but the sustentation of those who perform the function, becomes the object in view: the result being that when the function is needless, or even detrimental, the structure still keeps itself intact as long as it can. In early days the history of the Knights Templars furnished an illustration of this tendency. Down to the present time we have before us the familiar instance of trade-guilds in London, which having ceased to perform their original duties, nevertheless jealously defend their possessions and privileges. The convention of Royal Burghs in Scotland, which once regulated the internal municipal laws, still meets annually though it has no longer any work to do. And the accounts given in *The Black Book* of the sinecures which survived up to recent times, yield multitudinous illustrations.

The extent to which an organization resists re-organization, we shall not fully appreciate until we observe that its resistance increases in a compound progression. For while each new part is an additional obstacle to change, the formation of it involves a deduction from the forces causing change. If, other things remaining the same, the political structures of a society are further developed—if existing institutions are extended or fresh ones set up—if for directing social activities in greater detail, extra staffs of officials are appointed; the simultaneous results are—an increase in the aggregate of those who form the regulating part, and a corresponding decrease in the aggregate of those who form the part regulated. In various ways all who compose the controlling and administrative organization, become united with one another and separated from the rest. Whatever be their particular duties they are similarly related to the governing centres of their departments, and, through them, to the supreme governing centre; and are habituated to like sentiments and ideas respecting the set of institutions in which they are incorporated. Receiving their subsistence through the national revenue, they tend towards kindred views and feelings respecting the raising of such revenue. Whatever jealousies

there may be between their divisions, are over-ridden by sympathy when any one division has its existence or privileges endangered; since the interference with one division may spread to others. Moreover, they all stand in similar relations to the rest of the community, whose actions are in one way or other superintended by them; and hence are led into allied beliefs respecting the need for such superintendence and the propriety of submitting to it. No matter what their previous political opinions may have been, men cannot become public agents of any kind without being biassed towards opinions congruous with their functions. So that, inevitably, each further growth of the instrumentalities which control, or administer, or inspect, or in any way direct social forces, increases the impediment to future modifications, both positively by strengthening that which has to be modified, and negatively, by weakening the remainder; until at length the rigidity becomes so great that change is impossible and the type becomes fixed.

Nor does each further development of political organization increase the obstacles to change, only by increasing the power of the regulators and decreasing the power of the regulated. For the ideas and sentiments of a community as a whole, adapt themselves to the *régime* familiar from childhood, in such wise that it comes to be looked upon as natural. In proportion as public agencies occupy a larger space in daily experience, leaving but a smaller space for other agencies, there comes a greater tendency to think of public control as everywhere needful, and a less ability to conceive of activities as otherwise controlled. At the same time the sentiments, adjusted by habit to the regulative machinery, become enlisted on its behalf, and adverse to the thought of a vacancy to be made by its absence. In brief, the general law that the social organism and its units act and re-act until congruity is reached, implies that every further extension of political organization increases the obstacle to re-organization, not only by adding to the strength of the regulative

part, and taking from the strength of the part regulated, but also by producing in citizens thoughts and feelings in harmony with the resulting structure, and out of harmony with anything substantially different. Both France and Germany exemplify this truth. M. Comte, while looking forward to an industrial state, was so swayed by the conceptions and likings appropriate to the French form of society, that his scheme of organization for the ideal future, prescribes arrangements characteristic of the militant type, and utterly at variance with the industrial type. Indeed, he had a profound aversion to that individualism which is a product of industrial life and gives the character to industrial institutions. So, too, in Germany, we see that the socialist party, who are regarded and who regard themselves as wishing to re-organize society entirely, are so incapable of really thinking away from the social type under which they have been nurtured, that their proposed social system is in essence nothing else than a new form of the system they would destroy. It is a system under which life and labour are to be arranged and superintended by public instrumentalities, omnipresent like those which already exist and no less coercive: the individual having his life even more regulated for him than now.

While, then, the absence of settled arrangements negatives cooperation, yet cooperation of a higher kind is hindered by the arrangements which facilitate cooperation of a lower kind. Though without established connexions among parts, there can be no combined actions; yet the more extensive and elaborate such connexions grow, the more difficult does it become to make improved combinations of actions. There is an increase of the forces which tend to fix, and a decrease of the forces which tend to unfix; until the fully-structured social organism, like the fully-structured individual organism, becomes no longer adaptable.

§ 445. In a living animal, formed as it is of aggregated

units originally like in kind, the progress of organization implies, not only that the units composing each differentiated part severally maintain their positions, but also that their progeny succeed to those positions. Bile-cells which, while performing their functions, grow and give origin to new bile-cells, are, when they decay and disappear, replaced by these: the cells descending from them do not migrate to the kidneys, or the muscles, or the nervous centres, to join in the performance of their duties. And, evidently, unless the specialized units each organ is made of, produced units similarly specialized, which remained in the same place, there could be none of those settled relations among parts which characterize the organism, and fit it for its particular mode of life.

In a society also, establishment of structure is favoured by the transmission of positions and functions through successive generations. The maintenance of those class-divisions which arise as political organization advances, implies the inheritance of a rank and a place in each class. The like happens with those sub-divisions of classes which, in some societies, constitute castes, and in other societies are exemplified by incorporated trades. Where custom or law compels the sons of each worker to follow their father's occupation, there result among the industrial structures obstacles to change analogous to those which result in the regulative structures from impassable divisions of ranks. India shows this in an extreme degree; and in a less degree it was shown by the craft-guilds of early days in England, which facilitated adoption of a craft by the children of those engaged in it, and hindered adoption of it by others. Thus we may call inheritance of position and function, the principle of fixity in social organization.

There is another way in which succession by inheritance, whether to class-position or to occupation, conduces to stability. It secures supremacy of the elder; and supremacy of the elder tends towards maintenance of the established order. A system underwhich a chief-ruler, sub-ruler, head of

clan or house, official, or any person having the power given by rank or property, retains his place until at death it is filled by a descendant, in conformity with some accepted rule of succession, is a system under which, by implication, the young, and even the middle-aged, are excluded from the conduct of affairs. So, too, where an industrial system is such that the son, habitually brought up to his father's business, cannot hold a master's position till his father dies, it follows that the regulative power of the elder over the processes of production and distribution, is scarcely at all qualified by the power of the younger. Now it is a truth daily exemplified, that increasing rigidity of organization, necessitated by the process of evolution, produces in age an increasing strength of habit and aversion to change. Hence it results that succession to place and function by inheritance, having as its necessary concomitant a monopoly of power by the eldest, involves a prevailing conservatism; and thus further insures maintenance of things as they are.

Conversely, social change is facile in proportion as men's places and functions are determinable by personal qualities. Members of one rank who establish themselves in another rank, in so far directly break the division between the ranks; and they indirectly weaken it by preserving their family relations with the first, and forming new ones with the second; while, further, the ideas and sentiments pervading the two ranks, previously more or less different, are made to qualify one another and to work changes of character. Similarly if, between sub-divisions of the producing and distributing classes, there are no barriers to migration, then, in proportion as migrations are numerous, influences physical and mental following inter-fusion, alter the natures of their units; at the same time that they check the establishment of differences of nature caused by differences of occupation. Such transpositions of individuals between class and class, or group and group, must, on the average, however, depend on the fitnesses of the individuals for their new places and duties.

Intrusions will ordinarily succeed only where the intruding citizens have more than usual aptitudes for the businesses they undertake. Those who desert their original functions, are at a disadvantage in the competition with those whose functions they assume; and they can overcome this disadvantage only by force of some superiority: must do the new thing better than those born to it, and so tend to improve the doing of it by their example. This leaving of men to have their careers determined by their efficiencies, we may therefore call the principle of change in social organization.

As we saw that succession by inheritance conduces in a secondary way to stability, by keeping authority in the hands of those who by age are made most averse to new practices, so here, conversely, we may see that succession by efficiency conduces in a secondary way to change. Both positively and negatively the possession of power by the young facilitates innovation. While the energies are overflowing, little fear is felt of those obstacles to improvement and evils it may bring, which, when energies are failing, look formidable; and at the same time the greater imaginativeness that goes along with higher vitality, joined with a smaller strength of habit, facilitates acceptance of fresh ideas and adoption of untried methods. Since, then, where the various social positions come to be respectively filled by those who are experimentally proved to be the fittest, the relatively young are permitted to exercise authority, it results that succession by efficiency furthers change in social organization, indirectly as well as directly.

Contrasting the two, we thus see that while the acquirement of function by inheritance conduces to rigidity of structure, the acquirement of function by efficiency conduces to plasticity of structure. Succession by descent favours the maintenance of that which exists. Succession by fitness favours transformation, and makes possible something better.

§ 446. As was pointed out in § 228, "complication of

structure accompanies increase of mass," in social organisms as in individual organisms.) When small societies are compounded into a larger society, the controlling agencies needed in the several component societies must be subordinated to a central controlling agency: new structures are required. Re-compounding necessitates a kindred further complexity in the governmental arrangements; and at each of such stages of increase, all other arrangements must become more complicated. As Duruy remarks—"By becoming a world in place of a town, Rome could not conserve institutions established for a single city and a small territory. . . . How was it possible for sixty millions of provincials to enter the narrow and rigid circle of municipal institutions?" The like holds where, instead of extension of territory, there is only increase of population. The contrast between the simple administrative system which sufficed in old English times for a million people, and the complex administrative system at present needed for many millions, sufficiently indicates this general truth.

But now, mark a corollary. If, on the other hand, further growth implies more complex structure, on the other hand, changeableness of structure is a condition to further growth; and, conversely, unchangeableness of structure is a concomitant of arrested growth. Like the correlative law just noted, this law is clearly seen in individual organisms. Necessarily, transition from the small immature form to the large mature form in a living creature, implies that all the parts have to be changed in their sizes and connexions: every detail of every organ has to be modified; and this implies the retention of plasticity. Necessarily, also, when, on approaching maturity, the organs are assuming their final arrangement, their increasing definiteness and firmness constitute an increasing impediment to growth: the un-building and re-building required before there can be re-adjustment, become more and more difficult. So is it with a society. Augmentation of its mass necessitates change of the pre-

existing structures, either by incorporation of the increment with them, or by their extension through it. Every further elaboration of the arrangements entails an additional obstacle to this; and when rigidity is reached, such modifications of them as increase of mass would involve, are impossible, and increase is prevented.

Nor is this all. Controlling and administrative instrumentalities antagonize growth by absorbing the materials for growth. Already when pointing out the evils which accompany the benefits gained by political organization, this effect has been indirectly implied. Governmental expenditure, there represented as deducting from the lives of producers by taking away their produce, has for its ulterior result deducting from the life of the community: depletion of the units entails depletion of the aggregate. Where the abstraction of private means for public purposes is excessive, the impoverishment leads to decrease of population; and where it is less excessive, to arrest of population. Clearly those members of a society who form the regulative parts, together with all their dependents, have to be supplied with the means of living by the parts which carry on the processes of production and distribution; and if the regulative parts go on increasing relatively to the other parts, there must eventually be reached a point at which they absorb the entire surplus, and multiplication is stopped by innutrition.

Hence a significant relation between the structure of a society and its growth. Organization in excess of need, prevents the attainment of that larger size and accompanying higher type which might else have arisen.

§ 447. To aid our interpretations of the special facts presently to be dealt with, we must keep in mind the foregoing general facts. They may be summed up as follows:—

Cooperation is made possible by society, and makes society

possible. It pre-supposes associated men; and men remain associated because of the benefits cooperation yields them.

But there cannot be concerted actions without agencies by which actions are adjusted in their times, amounts, and kinds; and the actions cannot be of various kinds without the co-operators undertaking different duties. That is to say, the cooperators must become organized, either voluntarily or involuntarily.

The organization which cooperation implies, is of two kinds, distinct in origin and nature. The one, arising directly from the pursuit of individual ends, and indirectly conducing to social welfare, develops unconsciously and is non-coercive. The other, arising directly from the pursuit of social ends, and indirectly conducing to individual welfare, develops consciously and is coercive.

While, by making cooperation possible, political organization achieves benefits, deductions from these benefits are entailed by the organization. Maintenance of it is costly; and the cost may become a greater evil than the evils escaped. It necessarily imposes restraints; and these restraints may become so extreme that anarchy, with all its miseries, is preferable.

An established organization is an obstacle to re-organization. Self-sustentation is the primary aim of each part as of the whole; and hence parts once formed tend to continue, whether they are or are not useful. Moreover, each addition to the regulative structures, implying, other things equal, a simultaneous deduction from the rest of the society which is regulated, it results that while the obstacles to change are increased, the forces causing change are decreased.

Maintenance of a society's organization implies that the units forming its component structures shall severally be replaced as they die. Stability is favoured if the vacancies they leave are filled without dispute by descendants; while change is favoured if the vacancies are filled by those who

are experimentally proved to be best fitted for them. Succession by inheritance is thus the principle of social rigidity; while succession by efficiency is the principle of social plasticity.

Though, to make cooperation possible, and therefore to facilitate social growth, there must be organization, yet the organization formed impedes further growth; since further growth implies re-organization, which the existing organization resists; and since the existing organization absorbs part of the material for growth.

So that while, at each stage, better immediate results may be achieved by completing organization, they must be at the expense of better ultimate results.

CHAPTER III.

POLITICAL INTEGRATION.

§ 448. The analogy between individual organisms and social organisms, which holds in so many respects, holds in respect to the actions which cause growth. We shall find it instructive to glance at political integration in the light of this analogy.

Every animal sustains itself and grows by incorporating either the materials composing other animals or those composing plants; and from microscopic *protozoa* upwards, it has been through success in the struggle thus to incorporate, that animals of the greatest sizes and highest structures have been evolved. This process is carried on by creatures of the lowest kinds in a purely physical or insentient way. Without nervous system or fixed distribution of parts, the rhizopod draws in fragments of nutritive matter by actions which we are obliged to regard as unconscious. So is it, too, with simple aggregates formed by the massing of such minute creatures. The sponge, for example, in that framework of fibres familiar to us in its dead state, holds together, when living, a multitude of separate monads; and the activities which go on in the sponge, are such as directly further the separate lives of these monads, and indirectly further the life of the whole: the whole having neither sentiency nor power of movement. At a higher stage, however, the process of taking in nutritive materials by a composite organism,

comes to be carried on in a sentient way, and in a way differing from the primitive way in this, that it directly furthers the life of the whole, and indirectly furthers the lives of the component units. Eventually, the well-consolidated and organized aggregate, which originally had no other life than was constituted by the separate lives of these minute creatures massed together, acquires a corporate life predominating over their lives; and also acquires desires by which its activities are guided to acts of incorporation. To which adds the obvious corollary that as, in the course of evolution, its size increases, it incorporates with itself larger and larger aggregates as prey.

Analogous stages may be traced in the growth of social organisms, and in the accompanying forms of action. At first there is no other life in the group than that seen in the lives of its members; and only as organization increases does the group as a whole come to have that joint life constituted by mutually-dependent actions. The members of a primitive horde, loosely aggregated, and without distinctions of power, cooperate for immediate furtherance of individual sustentation, and in a comparatively small degree for corporate sustentation. Even when, the interests of all being simultaneously endangered, they simultaneously fight, they still fight separately—their actions are uncoordinated; and the only spoils of successful battle are such as can be individually appropriated. But in the course of the struggles for existence between groups thus unorganized, there comes, with the development of such political organization as gives tribal individuality, the struggle to incorporate one another, first partially and then wholly. Tribes which are larger, or better organized, or both, conquer adjacent tribes and annex them, so that they form parts of a compound whole. And as political evolution advances, it becomes a trait of the larger and stronger societies that they acquire appetites prompting them to subjugate and incorporate weaker societies.

Full perception of this difference will be gained on looking

more closely at the contrast between the wars of small groups and those of large nations. As, even among dogs, the fights that arise between individuals when one attempts to take another's food, grow into fights between packs if one trespasses upon the feeding haunts of another (as is seen in Constantinople); so among primitive men, individual conflicts for food pass into conflicts between hordes, when, in pursuit of food, one encroaches on another's territory. After the pastoral state is reached, such motives continue with a difference. "Retaliation for past robberies," is the habitual plea for war among the Bechuanas: "their real object being always the acquisition of cattle." Similarly among European peoples in ancient days. Achilles says of the Trojans—"They are blameless as respects me, since they have never driven away my oxen, nor my horses." And the fact that in Scotland during early times, cattle-raids were habitual causes of inter-tribal fights, shows us how persistent have been these struggles for the means of individual sustentation. Even where the life is agricultural, the like happens at the outset. "A field or a farrow's breadth of land is disputed upon the border of a district, and gives rise to rustic strife between the parties and their respective hamlets," says Macpherson of the Khonds; and "should the tribes to which the disputants belong be disposed to hostility, they speedily embrace the quarrel." So that competition in social growth is still restricted to competition for the means to that personal welfare indirectly conducive to social growth.

In yet another way do we see exemplified this general truth. The furthering of growth by that which furthers the multiplication of units, is shown us in the stealing of women—a second cause of primitive war. Men of one tribe who abduct the women of another, not only by so doing directly increase the number of their own tribe, but, in a greater degree, indirectly conduce to its increase by afterwards adding to the number of children. In which mode of growing at one another's expense, common among existing

tribes of savages, and once common among tribes from which civilized nations have descended, we still see the same trait: any augmentation of the group which takes place, is an indirect result of individual appropriations and reproductions.

Contrariwise, in more advanced stages the struggle between societies is, not to appropriate one another's means of sustentation and multiplication, but to appropriate one another bodily. Which society shall incorporate other societies with itself, becomes the question. Under one aspect, the history of large nations is a history of successes in such struggles; and down to our own day nations are being thus enlarged. Part of Italy is incorporated by France; part of France is incorporated by Germany; part of Turkey is incorporated by Russia; and between Russia and England there appears to be a competition which shall increase most by absorbing uncivilized and semi-civilized peoples.

Thus, then, with social organisms as with individual organisms, it is through the struggle for existence, first, by appropriating one another's means of growth, and then by devouring one another, that there arise those great aggregates which at once make possible high organization, and require high organization.

§ 449. Political integration is in some cases furthered, and in other cases hindered, by conditions, external and internal. There are the characters of the environment, and there are the characters of the men composing the society. We will glance at them in this order.

How political integration is prevented by an inclemency of climate, or an infertility of soil, which keeps down population, was shown in §§ 14—21. To the instances there named may be added that of the Seminoles, who "being so thinly scattered over a barren desert, they seldom assemble to take black drink, or deliberate on public matters;" and, again, that of certain Snake Indians, of whom Schoolcraft says, "the paucity of game in this region is, I have little

doubt, the cause of the almost entire absence of social organization." We saw, too, that great uniformity of surface, of mineral products, of flora, of fauna, are impediments; and that on the special characters of the flora and fauna, as containing species favourable or unfavourable to human welfare, in part depends the individual prosperity required for social growth. It was also pointed out that structure of the habitat, as facilitating or impeding communication, and as rendering escape easy or hard, has much to do with the size of the social aggregate formed. To the illustrations before given, showing that mountain-haunting peoples and peoples living in deserts and marshes are difficult to consolidate, while peoples penned in by barriers are consolidated with facility, I may here add two significant ones not before noticed. One occurs in the Polynesian islands—Tahiti, Hawaii, Tonga, Samoa, and the rest—where, restrained within limits by surrounding seas, the inhabitants have become united more or less closely into aggregates of considerable sizes. The other is furnished by ancient Peru, where, before the time of the Yncas, semi-civilized communities had been formed in valleys separated from each other "on the coast, by hot, and almost impassable deserts, and in the interior by lofty mountains, or cold and trackless *punas*." And to the implied inability of these peoples to escape governmental coercion, thus indicated by Squier as a factor in their civilization, is ascribed, by the ancient Spanish writer Cieza, the difference between them and the neighbouring Indians of Popoyan, who could retreat, "whenever attacked, to other fertile regions." How, conversely, the massing of men together is furthered by ease of internal communication within the area occupied, is sufficiently manifest. The importance of it is implied by the remark of Grant concerning Equatorial Africa, that "no jurisdiction extends over a district which cannot be crossed in three or four days." And such facts, implying that political integration may increase as the means of going from place to place

become better, remind us how, from Roman times downwards, the formation of roads has made larger social aggregates possible.

Evidence that a certain type of physique is requisite, was given in § 16; where we saw that the races which have evolved large societies, had previously lived under conditions fostering vigour of constitution. I will here add only that the constitutional energy needed for continuous labour, without which there cannot be civilized life and the massing of men presupposed by it, is an energy not to be quickly acquired; but is to be acquired only by inherited modifications slowly accumulated. Good evidence that in lower types of men there is a physical incapacity for work, is supplied by the results of the Jesuit government over the Paraguay Indians. There Indians were reduced to industrious habits, and to an orderly life which was thought by many writers admirable; but there eventually resulted a fatal evil: they became infertile. Not improbably, the infertility commonly observed in savage races that have been led into civilized activities, is consequent on taxing the physique to a degree greater than it is constituted to bear.

Certain moral traits which favour, and others which hinder, the union of men into large groups, were pointed out when treating of "The Primitive Man—Emotional." Here I will re-illustrate such of these as concern the fitness or unfitness of the type for subordination. "The Abors, as they themselves say, are like tigers, two cannot dwell in one den;" and "their houses are scattered singly, or in groups of two and three." Conversely, some of the African races not only yield when coerced but admire one who coerces them. Instance the Damaras, who, as Galton says, "court slavery" and "follow a master as spaniels would." The like is alleged of other South Africans. One of them said to a gentleman known to me—"You're a pretty fellow to be a master; I've been with you two years and you've never beaten me once." Obviously on the dispositions thus strongly contrasted, the

impossibility or possibility of political integration largely depends. There must be added, as also influential, the presence or the absence of the nomadic instinct. Varieties of men whose wandering habits have been unchecked during countless generations of hunting life and pastoral life, show us that even when forced into agricultural life, their tendency to move about greatly hinders aggregation. It is thus among the hill-tribes of India. "The Kookies are naturally a migratory race, never occupying the same place for more than two or, at the utmost, three years;" and the like holds of the Mishmees, who "never name their villages:" the existence of them being too transitory. In some races this migratory instinct survives and shows its effects, even after the formation of populous towns. Writing of the Bachassins in 1812, Burchell says that Litakun, containing 15,000 inhabitants, had been twice removed during a period of ten years. Clearly, peoples thus characterized are less easily united into large societies than peoples who love their early homes.

Concerning the intellectual traits which aid or impede the cohesion of men into masses, I may supplement what was said when delineating "The Primitive Man—Intellectual," by two corollaries of much significance. Social life being cooperative life, presupposes not only an emotional nature fitted for cooperation, but also such intelligence as perceives the benefits of cooperation, and can so regulate actions as to effect it. The unreflectiveness, the deficient consciousness of causation, and the lack of constructive imagination, shown by the uncivilized, hinder combined action to a degree difficult to believe until proof is seen. Even the semi-civilized exhibit in quite simple matters an absence of concert which is astonishing.* Implying, as this does, that cooperation can

* The behaviour of Arab boatmen on the Nile displays, in a striking way, this inability to act together. When jointly hauling at a rope, and beginning to chant, the inference one draws is that they pull in time with their words. On observing, however, it turns out that their efforts are not combined at given intervals, but are put forth without any unity of rhythm. Similarly when using their poles to push the dahabeiah off a sand-bank, the

at first be effective only where there is obedience to peremptory command, it follows that there must be not only an emotional nature which produces subordination, but also an intellectual nature which produces faith in a commander. That credulity which leads to awe of the capable man as a possessor of supernatural power, and which afterwards, causing dread of his ghost, prompts fulfilment of his remembered injunctions—that credulity which initiates the religious control of a deified chief, re-inforcing the political control of his divine descendant, is a credulity which cannot be dispensed with during early stages of integration. Scepticism is fatal while the character, moral and intellectual, is such as to necessitate compulsory cooperation.

Political integration, then, hindered in many regions by environing conditions, has in many races of mankind been prevented from advancing far by unfitnesses of nature—physical, moral, and intellectual.

§ 450. Besides fitness of nature in the united individuals, social union requires a considerable homogeneity of nature among them. At the outset this needful likeness of kind is insured by greater or less kinship in blood. Evidence meets us everywhere among the uncivilized. Of the Bushmen, Lichtenstein says, "families alone form associations in single small hordes—sexual feelings, the instinctive love to children, or the customary attachment among relations, are the only ties that keep them in any sort of union." Again, "the Rock Veddahs are divided into small clans or families associated for relationship, who agree in partitioning the forest

succession of grunts they severally make, is so rapid that it is manifestly impossible for them to give those effectual united pushes which imply appreciable intervals of preparation. Still more striking is the want of concert shown by the hundred or more Nubians and Arabs employed to drag the vessel up the rapids. There are shoutings, gesticulations, divided actions, utter confusion; so that only by accident does it at length happen that a sufficient number of efforts are put forth at the same moment. As was said to me, with some exaggeration, by our Arab dragoman, a travelled man—"Ten Englishmen or Frenchmen would do the thing at once."

among themselves for hunting grounds." And this rise of the society out of the family, seen in these least organized groups, re-appears in the considerably organized groups of more advanced savages. Instance the New Zealanders, of whom we read that "eighteen historical nations occupy the country, each being sub-divided into many tribes, originally families, as the prefix Ngati, signifying offspring (equivalent to O or Mac) obviously indicates." This connexion between blood relationship and social union is well shown by Humboldt's remarks concerning South American Indians. "Savages," he says, "know only their own family, and a tribe appears to them but a more numerous assemblage of relations." When Indians who inhabit the missions see those of the forest, who are unknown to them, they say—"They are no doubt my relations; I understand them when they speak to me." But these same savages detest all who are not of their tribe. "They know the duties of family ties and of relationship, but not those of humanity."

When treating of the domestic relations, reasons were given for concluding that social stability increases as kinships become more definite and extended; since development of kinships, while insuring the likeness of nature which furthers cooperation, involves the strengthening and multiplication of those family bonds which check disruption. Where promiscuity is prevalent, or where marriages are temporary, the known relationships are relatively few and not close; and there is little more social cohesion than results from habit and vague sense of kinship. Polyandry, especially of the higher kind, produces relationships of some definiteness, which admit of being traced further: so serving better to tie the social group together. And a greater advance in the nearness and the number of family connexions results from polygyny. But, as was shown, it is from monogamy that there arise family connexions which are at once the most definite and the most wide-spreading in their ramifications; and out of monogamic families are developed the largest and

most coherent societies. In two allied, yet distinguishable, ways, does monogamy favour social solidarity.

Unlike the children of the polyandric family, who are something less than half brothers and sisters (see § 300, note), and unlike the children of the polygynic family, most of whom are only half brothers and sisters, the children of the monogamic family are, in the great majority of cases, all of the same blood on both sides. Being thus themselves more closely related, it follows that their clusters of children are more closely related; and where, as happens in early stages, these clusters of children when grown up continue to form a community, and labour together, they are united alike by their kinships and by their industrial interests. Though with the growth of a family group into a gens which spreads, the industrial interests divide, yet these kinships prevent the divisions from becoming as marked as they would otherwise become. And, similarly, when the gens, in course of time, develops into the tribe. Nor is this all. If local circumstances bring together several such tribes, which are still allied in blood though more remotely, it results that when, seated side by side, they are gradually fused, partly by interspersion and partly by intermarriage, the compound society formed, united by numerous and complicated links of kinship as well as by political interests, is more strongly bound together than it would otherwise be. Dominant ancient societies illustrate this truth. Says Grote—"All that we hear of the most ancient Athenian laws is based upon the gentile and phratric divisions, which are treated throughout as extensions of the family." Similarly, according to Mommsen, on the "Roman Household was based the Roman State, both as respected its constituent elements and its form. The community of the Roman people arose out of the junction (in whatever way brought about) of such ancient clanships as the Romilii, Voltinii, Fabii, &c." And Sir Henry Maine has shown in detail the ways in which the simple family passes into the house-community, and eventually the

village-community. Though, in presence of the evidence furnished by races having irregular sexual relations, we cannot allege that sameness of blood is the primary reason for political cooperation—though in numerous tribes which have not risen into the pastoral state, there is combination for offence and defence among those whose different totems are recognized marks of different bloods; yet where there has been established descent through males, and especially where monogamy prevails, sameness of blood becomes largely, if not mainly, influential in determining political cooperation. And this truth, under one of its aspects, is the truth above enunciated, that combined action, requiring a tolerable homogeneity of nature among those who carry it on, is, in early stages, most successful among those who, being descendants of the same ancestors, have the greatest likeness.

An all-important though less direct effect of blood-relationship, and especially that more definite blood-relationship which arises from monogamic marriage, has to be added. I mean community of religion—a likeness of ideas and sentiments embodied in the worship of a common deity. Beginning, as this does, with propitiation of the deceased founder of the family; and shared in, as it is, by the multiplying groups of descendants, as the family spreads; it becomes a further means of holding together the compound cluster gradually formed, and checking the antagonisms that arise between the component clusters: so favouring integration. The influence of the bond supplied by a common cult everywhere meets us in ancient history. Each of the cities in primitive Egypt was a centre for the worship of a special divinity; and no one who, unbiassed by foregone conclusions, observes the extraordinary development of ancestor-worship, under all its forms, in Egypt, can doubt the origin of this divinity. Of the Greeks we read that—

"Each family had its own sacred rites and funereal commemoration of ancestors, celebrated by the master of the house, to which none but members of the family were admissible; the extinction of a family,

carrying with it the suspension of these religious rites, was held by the Greeks to be a misfortune, not merely from the loss of the citizens composing it, but also because the family gods and the manes of deceased citizens were thus deprived of their honours and might visit the country with displeasure. The larger associations, called Gens, Phratry, Tribe, were formed by an extension of the same principle—of the family considered as a religious brotherhood, worshipping some common god or hero with an appropriate surname, and recognizing him as their joint ancestor."

A like bond was generated in a like manner in the Roman community. Each curia, which was the homologue of the phratry, had a head, "whose chief function was to preside over the sacrifices." And, on a larger scale, the same thing held with the entire society. The primitive Roman king was a priest of the deities common to all: "he held intercourse with the gods of the community, whom he consulted and whom he appeased." The beginnings of this religious bond, here exhibited in a developed form, are still traceable in India. Sir Henry Maine says, "the joint family of the Hindoos is that assemblage of persons who would have joined in the sacrifices at the funeral of some common ancestor if he had died in their lifetime." So that political integration, while furthered by that likeness of nature which identity of descent involves, is again furthered by that likeness of religion simultaneously arising from this identity of descent.

Thus is it, too, at a later stage, with that less-pronounced likeness of nature characterizing men of the same race who have multiplied and spread in such ways as to form adjacent small societies. Cooperation among them continues to be furthered, though less effectually, by the community of their natures, by the community of their traditions, ideas, and sentiments, as well as by their community of speech. Among men of diverse types, concert is necessarily hindered both by ignorance of one another's words, and by unlikenesses of thought and feeling. It needs but to remember how often, even among those of the same family, quarrels arise from misinterpretations of things said, to see what

fertile sources of confusion and antagonism must be the partial or complete differences of language which habitually accompany differences of race. Similarly, those who are widely unlike in their emotional natures or in their intellectual natures, perplex one another by unexpected conduct—a fact on which travellers habitually remark. Hence a further obstacle to combined action. Diversities of custom, too, become causes of dissension. Where a food eaten by one people is regarded by another with disgust, where an animal held sacred by the one is by the other treated with contempt, where a salute which the one expects is never made by the other, there must be continually generated alienations which hinder joint efforts. Other things equal, facility of cooperation will be proportionate to the amount of fellow feeling; and fellow feeling is prevented by whatever prevents men from behaving in the same ways under the same conditions. The working together of the original and derived factors above enumerated, is well exhibited in the following passage from Grote:—

"The Hellens were all of common blood and parentage, were all descendants of the common patriarch Hellen. In treating of the historical Greeks, we have to accept this as a datum; it represents the sentiment under the influence of which they moved and acted. It is placed by Herodotus in the front rank, as the chief of those four ties which bound together the Hellenic aggregate: 1. Fellowship of blood; 2. Fellowship of language; 3. Fixed domiciles of gods, and sacrifices common to all; 4. Like manners and dispositions."

Influential as we thus find to be the likeness of nature which is insured by common descent, the implication is that, in the absence of considerable likeness, the political aggregates formed are unstable, and can be maintained only by a coercion which, some time or other, is sure to fail. Though other causes have conspired, yet this has doubtless been a main cause of the dissolution of great empires in past ages. At the present time the decay of the Turkish Empire is largely, if not chiefly, ascribable to it. Our own Indian Empire too, held together by force in a state of artificial

equilibrium, threatens some day to illustrate by its fall the incohesion arising from lack of congruity in components.

§ 451. One of the laws of evolution at large, is that integration results when like units are subject to the same force or to like forces (*First Principles*, § 169); and from the first stages of political integration up to the last, we find this law illustrated. Joint exposure to uniform external actions, and joint reactions against them, have from the beginning been the leading causes of union among members of societies.

Already in § 250 there has been indirectly implied the truth that coherence is first given to small hordes of primitive men during combined opposition to enemies. Subject to the same danger, and joining to meet this danger, the members of the horde become, in the course of their cooperation against it, more bound together. In the first stages this relation of cause and effect is clearly seen in the fact that such union as arises during a war, disappears when the war is over: there is loss of all such slight political combination as was beginning to show itself. But it is by the integration of simple groups into compound groups in the course of common resistance to foes, and attacks upon them, that this process is best exemplified. The cases before given may be reinforced by others. Of the Karens, Mason says:—"Each village, being an independent community, had always an old feud to settle with nearly every other village among their own people. But the common danger from more powerful enemies, or having common injuries to requite, often led to several villages uniting together for defence or attack." According to Kolben, "smaller nations of Hottentots, which may be near some powerful nation, frequently enter into an alliance, offensive and defensive, against the stronger nation." Among the New Caledonians of Tanna, "six, or eight, or more of their villages unite, and form what may be called a district, or county, and all league together for mutual protection. . . . . In war two or more of these districts unite." Samoan "villages, in

numbers of eight or ten, unite by common consent, and form a district or state for mutual protection;" and during hostilities these districts themselves sometimes unite in twos and threes. The like has happened with historic peoples. It was during the wars of the Israelites in David's time, that they passed from the state of separate tribes into the state of a consolidated ruling nation. The scattered Greek communities, previously aggregated into minor confederacies by minor wars, were prompted to the Pan-Hellenic congress and to the subsequent cooperation, when the invasion of Xerxes was impending; and of the Spartan and Athenian confederacies afterwards formed, that of Athens acquired the hegemony, and finally the empire, during continued operations against the Persians. So, too, was it with the Teutonic races. The German tribes, originally without federal bonds, formed occasional alliances for opposing enemies. Between the first and fifth centuries these tribes massed themselves into great groups for resistance against, or attack upon, Rome. During the subsequent century the prolonged military confederations of peoples "of the same blood" had grown into States, which afterwards became aggregated into still larger States. And, to take a comparatively modern instance, the wars between France and England aided each in passing from that condition in which its feudal divisions were in considerable degrees independent, to the condition of a consolidated nation. As further showing how integration of smaller societies into larger ones is thus initiated, it may be added that at first the unions exist only for military purposes. Each component society retains for a long time its independent internal administration; and it is only when joint action in war has become habitual, that the cohesion is made permanent by a common political organization.

This compounding of smaller communities into larger by military cooperation, is insured by the disappearance of such smaller communities as do not cooperate. Barth remarks that "the Fúlbe [Fulahs] are continually advancing, as they

have not to do with one strong enemy, but with a number of small tribes without any bond of union." Of the Damaras, Galton says—"If one werft is plundered, the adjacent ones rarely rise to defend it, and thus the Namaquas have destroyed or enslaved piecemeal about one-half of the whole Damara population." Similarly with the Ynca conquests in Peru: "there was no general opposition to their advance, for each province merely defended its land without aid from any other." This process, so obvious and familiar, I name because it has a meaning which needs emphasizing. For we here see that in the struggle for existence among societies, the survival of the fittest is the survival of those in which the power of military cooperation is the greatest; and military cooperation is that primary kind of cooperation which prepares the way for other kinds. So that this formation of larger societies by the union of smaller ones in war, and this destruction or absorption of the smaller un-united societies by the united larger ones, is an inevitable process through which the varieties of men most adapted for social life, supplant the less adapted varieties.

Respecting the integration thus effected, it remains only to remark that it necessarily follows this course—necessarily begins with the formation of simple groups and advances by the compounding and re-compounding of them. Impulsive in conduct and with rudimentary powers of concerted action, savages cohere so slightly that only small bodies of them can maintain their integrity. Not until such small bodies have severally had their members bound to one another by some slight political organization, does it become possible to unite them into larger bodies; since the cohesion of these implies greater fitness for concerted action, and more developed organization for achieving it. And similarly, these composite clusters must be to some extent consolidated before the composition can be carried a stage further. Passing over the multitudinous illustrations occurring among the uncivilized, it will suffice if I refer to those given in § 226,

and reinforce them by some which historic peoples have supplied. There is the fact that in primitive Egypt, the numerous small societies (which eventually became the "nomes") first united into the two aggregates, Upper Egypt and Lower Egypt, which were afterwards joined into one; and the fact that in ancient Greece, villages became united to form towns before the towns became united into states, while this change preceded the change which united the states with one another; and the fact that in the old English period, small principalities were massed into the divisions constituting the Heptarchy, before these passed in to something like a whole. It is a principle in physics that, since the force with which a body resists strains increases as the squares of its dimensions, while the strains which its own weight subject it to increase as the cubes of its dimensions, its power of maintaining its integrity becomes relatively less as its mass becomes greater. Something analogous may be said of societies. Small aggregates only can hold together while cohesion is feeble; and successively larger aggregates become possible only as the greater strains implied are met by that greater cohesion which results from an adapted human nature and a resulting development of social organization.

§ 452. As social integration advances, the increasing aggregates exercise increasing restraints over their units—a truth which is the obverse of the one just set forth, that the maintenance of its integrity by a larger aggregate implies greater cohesion. The forces by which aggregates keep their units together are at first feeble; and becoming strenuous at a certain stage of social evolution afterwards relax—or rather, change their forms.

Originally the individual savage gravitates to one group or other, prompted by sundry motives, but mainly by the desire for protection. Concerning the Patagonians, we read that no one can live apart: "if any of them attempted to do it, they would undoubtedly be killed, or carried away as slaves, as

soon as they were discovered." In North America, among the Chinooks, "on the coast a custom prevails which authorizes the seizure and enslavement, unless ransomed by his friends, of every Indian met with at a distance from his tribe, although they may not be at war with each other." At first, however, though it is necessary to join some group, it is not necessary to continue in the same group. When oppressed by their chief, Kalmucks and Mongols desert him and go over to other chiefs. Of the Abipones Dobrizhoffer says:—"Without leave asked on their part, or displeasure evinced on his, they remove with their families whithersoever it suits them, and join some other cacique; and when tired of the second, return with impunity to the horde of the first." Similarly in South Africa, "the frequent instances which occur [among the Balonda] of people changing from one part of the country to another, show that the great chiefs possess only a limited power." And how, through this process, some tribes grow while others dwindle, we are shown by M'Culloch's remark respecting the Kukis, that "a village, having around it plenty of land suited for cultivation and a popular chief, is sure soon, by accessions from less favoured ones, to become large."

With the need which the individual has for protection, is joined the desire of the tribe to strengthen itself; and the practice of adoption, hence resulting, constitutes another mode of integration. Where, as in tribes of North American Indians, "adoption or the torture were the alternative chances of a captive" (adoption being the fate of one admired for his bravery), we see re-illustrated the tendency which each society has to grow at the expense of other societies. That desire for many actual children whereby the family may be strengthened, which Hebrew traditions show us, readily passes into the desire for factitious children—here made one with the brotherhood by exhange of blood, and there by mock birth. As was implied in § 319, it is probable that the practice of adoption into families among Greeks and Romans, arose during those early times when the wandering

patriarchal group constituted the tribe, and when the wish of the tribe to strengthen itself was dominant; though it was doubtless afterwards maintained chiefly by the wish to have someone to continue the sacrifices to ancestors. And, indeed, on remembering that, long after larger societies were formed by unions of patriarchal groups, there continued to be feuds between the component families and clans, we may see that there had never ceased to operate on such families and clans, the primitive motive for strengthening themselves by increasing their numbers.

Kindred motives produced kindred results within more modern societies, during times when their parts were so imperfectly integrated that there remained antagonisms among them. Thus we have the fact that in mediæval England, while local rule was incompletely subordinated to general rule, every free man had to attach himself to a lord, a burgh, or a guild: being otherwise "a friendless man," and in a danger like that which the savage is in when not belonging to a tribe. And then, on the other hand, in the law that "if a bondsman continued a year and a day within a free burgh or municipality, no lord could reclaim him," we may recognize an effect of a desire on the part of industrial groups to strengthen themselves against the feudal groups around—an effect analogous to that of adoption, here into the savage tribe and there into the family as it existed in more ancient societies. Naturally, as a whole nation becomes more integrated, local integrations lose their separateness, and their divisions fade; though they long leave their traces, as among ourselves in the law of settlement, and as, up to 1824, in the laws affecting the freedom of travelling of artisans.

These last illustrations introduce us to the truth that while at first there is little cohesion and great mobility of the units forming a group, advance in integration is habitually accompanied not only by decreasing ability to go from group to group, but also by decreasing ability to go from place to place within the group. Of course the transition from the

nomadic to the settled state partially implies this; since each person becomes in a considerable degree tied by his material interests. Slavery, too, effects in another way this binding of individuals to locally-placed members of the society, and therefore to particular parts to it; and, where serfdom exists, the same thing is shown with a difference. But in highly-integrated societies, not simply those in bondage, but others also, are tied to their localities. Of the ancient Mexicans, Zurita says:—"The Indians never changed their village nor even their quarter. This custom was observed as a law." In ancient Peru, "it was not lawful for any one to remove from one province, or village, to another;" and "any who travelled without just cause were punished as vagabonds." Elsewhere, along with that development of the militant type accompanying aggregation, there have been imposed restraints on transit under other forms. Ancient Egypt had a system of registration; and all citizens periodically reported themselves to local officers. "Every Japanese is registered, and whenever he removes his residence, the Nanushi, or head man of the temple gives a certificate." And then in despotically-governed European countries we have passports-systems, hindering the journeys of citizens from place to place, and in some cases preventing them from going abroad.

In these, as in other respects, however, the restraints which the social aggregate exercises over its units, decrease as the industrial type begins greatly to qualify the militant type; partly because the societies characterized by industrialism are amply populous, and have superfluous members to fill the places of those who leave them, and partly because, in the absence of the oppressions accompanying a militant *régime*, a sufficient cohesion results from pecuniary interests, family bonds, and love of country.

§453. Thus, saying nothing for the present of that political evolution manifested by increase of structure, and restricting

ourselves to that political evolution manifested by increase of mass, here distinguished as political integration, we find that this has the following traits.

While the aggregates are small, the incorporation of materials for growth is carried on at one another's expense in feeble ways—by taking one another's game, by robbing one another of women, and, occasionally by adopting one another's men. As larger aggregates are formed, incorporations proceed in more wholesale ways; first by enslaving the separate members of conquered tribes, and presently by the bodily annexation of such tribes, with their territory. And as compound aggregates pass into doubly and trebly compound ones, there arise increasing desires to absorb adjacent smaller societies, and so to form still larger aggregates.

Conditions of several kinds further or hinder social growth and consolidation. The habitat may be fitted or unfitted for supporting a large population; or it may, by great or small facilities for intercourse within its area, favour or impede co-operation; or it may, by presence or absence of natural barriers, make easy or difficult the keeping together of the individuals under that coercion which is at first needful. And, as the antecedents of the race determine, the individuals may have in greater or less degrees the physical, the emotional, and the intellectual natures fitting them for combined action.

While the extent to which social integration can in each case be carried, depends in part on these conditions, it also depends in part upon the degree of likeness among the units. At first, while the nature is so little moulded to social life that cohesion is small, aggregation is largely dependent on ties of blood: implying great degrees of likeness. Groups in which such ties, and the resulting congruity, are most marked, and which, having family traditions in common, a common male ancestor, and a joint worship of him, are in these further ways made alike in ideas and sentiments, are groups in which the greatest social cohesion and power of co-

operation arise. For a long time the clans and tribes descending from such primitive patriarchal groups, have their political concert facilitated by this bond of relationship and the likeness it involves. Only after adaptation to social life has made considerable progress, does harmonious cooperation among those who are not of the same stock become practicable; and even then their unlikenesses of nature must be small. Where their unlikenesses of nature are great, the society, held together only by force, tends to disintegrate when the force fails.

Likeness in the units forming a social group being one condition to their integration, a further condition is their joint reaction against external action: cooperation in war is the chief cause of social integration. The temporary unions of savages for offence and defence, show us the initiatory step. When many tribes unite against a common enemy, long continuance of their combined action makes them coherent under some common control. And so it is subsequently with still larger aggregates.

Progress in social integration is both a cause and a consequence of a decreasing separableness among the units. Primitive wandering hordes exercise no such restraints over their members as prevent them individually from leaving one horde and joining another at will. Where tribes are more developed, desertion of one and admission into another are less easy—the assemblages are not so loose in composition. And throughout those long stages during which societies are being enlarged and consolidated by militancy, the mobility of the units becomes more and more restricted. Only with that substitution of voluntary cooperation for compulsory cooperation which characterizes developing industrialism, do the restrictions on movement disappear: enforced union being in such societies adequately replaced by spontaneous union.

A remaining truth to be named is that political integration, as it advances, obliterates the original divisions among the

united parts. In the first place there is the slow disappearance of those non-topographical divisions arising from relationship, as seen in separate gentes and tribes: gradual intermingling destroys them. In the second place, the smaller local societies united into a larger one, which at first retain their separate organizations, lose them by long cooperation: a common organization begins to ramify through them. And in the third place, there simultaneously results a fading of their topographical bounds, and a replacing of these by the new administrative bounds of the common organization. Hence naturally results the converse truth, that in the course of social dissolution the great groups separate first, and afterwards, if dissolution continues, these separate into their component smaller groups. Instance the ancient empires successively formed in the East, the united kingdoms of which severally resumed their autonomies when the coercion keeping them together ceased. Instance, again, the Carolingian empire, which, first parting into its large divisions, became in course of time further disintegrated by subdivision of these. And where, as in this last case, the process of dissolution goes very far, there is a return to something like the primitive condition, under which small predatory societies are engaged in continuous warfare with like small societies around them.

CHAPTER IV.

POLITICAL DIFFERENTIATION.

§ 454. As was pointed out in *First Principles*, §154, it is true of a social aggregate, as of every other aggregate, that the state of homogeneity is an unstable state; and that where there is already some heterogeneity, the tendency is towards greater heterogeneity.

Lapse from homogeneity, however, or rather, the increase of such heterogeneity as usually exists, requires that the parts shall be heterogeneously conditioned; and whatever prevents the rise of contrasts among the conditions, prevents increase of heterogeneity. One of the implications is that there must not be continual changes in the distribution of the parts. If now one part and now another, occupies the same position in relation to the whole, permanent structural differences cannot be produced. There must be such cohesion among the parts as prevents easy transposition.

We see this truth exemplified in the simplest individual organisms. A low Rhizopod, of which the substance has a mobility approaching to that of a liquid, remains almost homogeneous; because each part is from moment to moment assuming new relations to other parts and to the environment. And the like holds with the simplest societies. Concerning the members of the small unsettled groups of Fuegians, Cook remarks that "none was more respected than another." The Veddahs, the Andamanese, the Australians, the Tasmanians, may also be instanced as loose assemblages

which present no permanent unlikenesses of social position; or if unlikeness exist, as some travellers allege, they are so vague that they are denied by others. And in such wandering hordes as the Coroados of South America, formed of individuals held together so feebly that they severally join one or other horde at will, the distinctions of parts are but nominal.

Conversely, it is to be anticipated that where the several parts of a social aggregate are heterogeneously conditioned in a permanent way, they will become proportionately heterogeneous. We shall see this more clearly on changing the point of view.

§ 455. The general law that like units exposed to like forces tend to integrate, was in the last chapter exemplified by the formation of social groups. Here the correlative general law, that in proportion as the like units of an aggregate are exposed to unlike forces they tend to form differentiated parts of the aggregate, has to be observed in its application to such groups, as the second step in social evolution.

The primary political differentiation originates from the primary family differentiation. Men and women being by the unlikenesses of their functions in life, exposed to unlike influences, begin from the first to assume unlike positions in the community as they do in the family: very early they respectively form the two political classes of rulers and ruled. And how truly such dissimilarity of social positions as arises between them, is caused by dissimilarity in their relations to surrounding actions, we shall see on observing that the one is small or great according as the other is small or great. When treating of the status of women, it was pointed out that to a considerable degree among the Chippewayans, and to a still greater degree among the Clatsops and Chinooks, " who live upon fish and roots, which the women are equally expert with the men in procuring, the former have a rank and influence very rarely found among Indians." We

saw also that in Cueba, where the women join the men in war, "fighting by their side," their position is much higher than usual among rude peoples; and, similarly, that in Dahomey, where the women are as much warriors as the men, they are so regarded that, in the political organization, "the woman is officially superior." On contrasting these exceptional cases with the ordinary cases, in which the men, solely occupied in war and the chase, have unlimited authority, while the women, occupied in gathering miscellaneous small food, and carrying burdens, are abject slaves, it becomes clear that diversity of relations to surrounding actions initiates diversity of social relations. And, as we saw in § 327, this truth is further illustrated by those few uncivilized societies which are habitually peaceful, such as the Bodo and the Dhimáls of the Indian hills, and the ancient Pueblos of North America—societies in which the occupations are not, or were not, broadly divided into fighting and working, and severally assigned to the two sexes; and in which, along with a comparatively small difference between the activities of the sexes, there goes, or went, small difference of social status.

So is it when we pass from the greater or less political differentiation which accompanies difference of sex, to that which is independent of sex—to that which arises among men. Where the life is permanently peaceful, definite class-divisions do not exist. One of the Indian Hill-tribes to which I have already referred as exhibiting the honesty, truthfulness, and amiability, accompanying a purely industrial life, may be instanced. Hodgson says, "all Bodo and all Dhimáls are equal—absolutely so in right or law—wonderfully so in fact." The like is said of another unwarlike and amiable hill tribe: "the Lepchas have no caste distinctions." And among a different race, the Papuans, may be named the peaceful Arafuras as displaying "brotherly love with one another," and as having no divisions of rank.

§ 456. As, at first, the domestic relation between the sexes

passes into a political relation, such that men and women become, in militant groups, the ruling class and the subject class; so does the relation between master and slave, originally a domestic one, pass into a political one as fast as, by habitual war, the making of slaves becomes general. It is with the formation of a slave-class, that there begins that political differentiation between the regulating structures and the sustaining structures, which continues throughout all higher forms of social evolution.

Kane remarks that "slavery in its most cruel form exists among the Indians of the whole coast from California to Behring's Straits, the stronger tribes making slaves of all the others they can conquer. In the interior, where there is but little warfare, slavery does not exist." And this statement does but exhibit, in a distinct form, the truth everywhere obvious. Evidence suggests that the practice of enslavement diverged by small steps from the practice of cannibalism. Concerning the Nootkas, we read that "slaves are occasionally sacrificed and feasted upon;" and if we contrast this usage with the usage common elsewhere, of killing and devouring captives as soon as they are taken, we may infer that the keeping of captives too numerous to be immediately eaten, with the view of eating them subsequently, leading, as it would, to the employment of them in the meantime, caused the discovery that their services might be of more value than their flesh, and so initiated the habit of preserving them as slaves. Be this as it may, however, we find that very generally among tribes to which habitual militancy has given some slight degree of the appropriate structure, the enslavement of prisoners becomes an established habit. That women and children taken in war, and such men as have not been slain, naturally fall into unqualified servitude, is manifest. They belong absolutely to their captors, who might have killed them, and who retain the right afterwards to kill them if they please. They become property, of which any use whatever may be made.

The acquirement of slaves, which is at first an incident of war, becomes presently an object of war. Of the Nootkas we read that "some of the smaller tribes at the north of the island are practically regarded as slave-breeding tribes, and are attacked periodically by stronger tribes;" and the like happens among the Chinooks. It was thus in ancient Vera Paz, where periodically they made "an inroad into the enemy's territory . . . and captured as many as they wanted;" and it was so in Honduras, where, in declaring war, they gave their enemies notice "that they wanted slaves." Similarly with various existing peoples. St. John says that "many of the Dyaks are more desirous to obtain slaves than heads; and in attacking a village kill only those who resist or attempt to escape." And that in Africa slave-making wars are common needs no proof.

The class-division thus initiated by war, afterwards maintains and strengthens itself in sundry ways. Very soon there begins the custom of purchase. The Chinooks, besides slaves who have been captured, have slaves who were bought as children from their neighbours; and, as we saw when dealing with the domestic relations, the selling of their children into slavery is by no means uncommon with savages. Then the slave-class, thus early enlarged by purchase, comes afterwards to be otherwise enlarged. There is voluntary acceptance of slavery for the sake of protection; there is enslavement for debt; there is enslavement for crime.

Leaving details, we need here note only that this political differentiation which war begins, is effected, not by the bodily incorporation of other societies, or whole classes belonging to other societies, but by the incorporation of single members of other societies, and by like individual accretions. Composed of units who are detached from their original social relations and from one another, and absolutely attached to their owners, the slave-class is, at first, but indistinctly separated as a social stratum. It acquires separateness only as fast as there arise some restrictions on the powers of the

owners. Ceasing to stand in the position of domestic cattle, slaves begin to form a division of the body politic when their personal claims begin to be distinguished as limiting the claims of their masters.

§ 457. It is commonly supposed that serfdom arises by mitigation of slavery; but examination of the facts shows that it arises in a different way. While, during the early struggles for existence between them, primitive tribes, growing at one another's expense by incorporating separately the individuals they capture, thus form a class of absolute slaves, the formation of a servile class considerably higher, and having a distinct social status, accompanies that later and larger process of growth under which one society incorporates other societies bodily. Serfdom originates along with conquest and annexation.

For whereas the one implies that the captured people are detached from their homes, the other implies that the subjugated people continue in their homes. Thomson remarks that, "among the New Zealanders whole tribes sometimes became nominally slaves when conquered, although permitted to live at their usual places of residence, on condition of paying tribute, in food, &c."—a statement which shows the origin of kindred arrangements in allied societies. Of the Sandwich Islands government when first known, described as consisting of a king with turbulent chiefs, who had been subjected in comparatively recent times, Ellis writes:—"The common people are generally considered as attached to the soil, and are transferred with the land from one chief to another." Before the late changes in Fiji, there were enslaved districts; and of their inhabitants we read that they had to supply the chief's houses "with daily food, and build and keep them in repair." Though conquered peoples thus placed, differ widely in the degrees of their subjection (being at the one extreme, as in Fiji, liable to be eaten when wanted, and at the other extreme called on only to give specified pro-

portions of produce or labour); yet they remain alike as being undetached from their original places of residence. That serfdom in Europe originated in an analogous way, there is good reason to believe. In Greece we have the case of Crete, where, under the conquering Dorians, there existed a vassal population, formed, it would seem, partly of the aborigines and partly of preceding conquerors; of which the first were serfs attached to lands of the State and of individuals, and the others had become tributary landowners. In Sparta the like relations were established by like causes. There were the helots, who lived on, and cultivated, the lands of their Spartan masters, and the perioeci, who had probably been, before the Dorian invasion, the superior class. So was it also in the Greek colonies afterwards founded, such as Syracuse, where the aborigines became serfs. Similarly in later times and nearer regions. When Gaul was overrun by the Romans, and again when Romanized Gaul was overrun by the Franks, there was little displacement of the actual cultivators of the soil, but these simply fell into lower positions: certainly lower political positions, and M. Guizot thinks lower industrial positions. Our own country yields illustrations.

"Among the Scottish Highlanders some entire septs or clans are stated to have been enslaved to others; and on the very threshold of Irish history we meet with a distinction between free and rent-paying tribes, which may possibly imply the same kind of superiority and subordination."

In ancient British times, writes Pearson, "it is probable that, in parts at least, there were servile villages, occupied by a kindred but conquered race, the first occupants of the soil." More trustworthy is the evidence which comes to us from old English days and Norman days. Professor Stubbs says—

"The ceorl had his right in the common land of his township; his Latin name, villanus, had been a symbol of freedom, but his privileges were bound to the land, and when the Norman lord took the land he took the villein with it. Still the villein retained his customary rights, his house and land and rights of wood and hay; his lord's demesne depended for cultivation on his services, and he had in his lord's sense of self-interest the sort of protection that was shared by the horse and the ox."

And of kindred import is the following passage from Innes:—

"I have said that of the inhabitants of the Grange, the lowest in the scale was the *ceorl*, *bond*, *serf*, or villein, who was transferred like the land on which he laboured, and who might be caught and brought back if he attempted to escape, like a stray ox or sheep. Their legal name of *nativus*, or *neyf*, which I have not found but in Britain, seems to point to their origin in the native race, the original possessors of the soil. . . . In the register of Dunfermline are numerous 'genealogies,' or stud-books, for enabling the lord to trace and reclaim his stock of serfs by descent. It is observable that most of them are of Celtic names."

Clearly, a subjugated territory, useless without cultivators, was left in the hands of the original cultivators, because nothing was to be gained by putting others in their places; even could an adequate number of others be had. Hence, while it became the conqueror's interest to tie each original cultivator to the soil, it also became his interest to let him have such an amount of produce as to maintain him and enable him to rear offspring, and it further became his interest to protect him against injuries which would incapacitate him for work.

To show how fundamental is the distinction between bondage of the primitive type and the bondage of serfdom, it needs but to add that while the one can, and does, exist among savages and pastoral tribes, the other becomes possible only after the agricultural stage is reached; for only then can there occur the bodily annexation of one society by another, and only then can there be any tying to the soil.

§ 458. Associated men who live by hunting, and to whom the area occupied is of value only as a habitat for game, cannot well have anything more than a common participation in the use of this occupied area: such ownership of it as they have, must be joint ownership. Naturally, then, at the outset all the adult males, who are at once hunters and warriors, are the common possessors of the undivided land, encroachment on which by other tribes they resist. Though, in the earlier pastoral state, especially where the barrenness of the

region involves wide dispersion, there is no definite proprietorship of the tract wandered over; yet, as is shown us in the strife between the herdsmen of Abraham and those of Lot respecting feeding grounds, some claims to exclusive use tend to arise; and at a later half-pastoral stage, as among the ancient Germans, the wanderings of each division fall within prescribed limits.

I refer to these facts by way of showing the identity established at the outset between the militant class and the land-owning class. For whether the group is one which lives by hunting or one which lives by feeding cattle, any slaves its members possess are excluded from land-ownership: the freemen, who are all fighting men, become, as a matter of course, the proprietors of their territory. This connexion in variously modified forms, long continues; and could scarcely do otherwise. Land being, in early settled communities, the almost exclusive source of wealth, it happens inevitably that during times in which the principle that might is right remains unqualified, personal power and ownership of the soil go together. Hence the fact that where, instead of being held by the whole society, land comes to be parcelled out among component village-communities, or among families, or among individuals, possession of it habitually goes along with the bearing of arms. In ancient Egypt "every soldier was a land-owner"—"had an allotment of land of about six acres." In Greece the invading Hellenes, wresting the country from its original holders, joined military service with territorial endowment. In Rome, too, "every freeholder from the seventeenth to the sixtieth year of his age, was under obligation of service . . . so that even the emancipated slave had to serve who, in an exceptional case, had come into possession of landed property." The like happened in the early Teutonic community. Joined with professional warriors, its army included "the mass of freemen arranged in families fighting for their homesteads and hearths:" such freemen, or markmen, owning land partly in common and partly as individual pro-

prietors. Or as is said of this same arrangement among the ancient English, "their occupation of the land as *cognationes* resulted from their enrolment in the field, where each kindred was drawn up under an officer of its own lineage and appointment;" and so close was this dependence that "a thane forfeited his hereditary freehold by misconduct in battle."

Beyond the original connexion between militancy and land-owning, which naturally arises from the joint interest which those who own the land and occupy it, either individually or collectively, have in resisting aggressors, there arises later a further connexion. As, along with successful militancy, there progresses a social evolution which gives to a dominant ruler increased power, it becomes his custom to reward his leading soldiers by grants of land. Early Egyptian kings "bestowed on distinguished military officers" portions of the crown domains. When the barbarians were enrolled as Roman soldiers, "they were paid also by assignments of land, according to a custom which prevailed in the Imperial armies. The possession of these lands was given to them on condition of the son becoming a soldier like his father." And that kindred usages were general throughout the feudal period, is a familiar truth: feudal tenancy being, indeed, thus constituted; and inability to bear arms being a reason for excluding women from succession. To exemplify the nature of the relation established, it will suffice to name the fact that "William the Conqueror . . . distributed this kingdom into about 60,000 parcels, of nearly equal value [partly left in the hands of those who previously held it, and partly made over to his followers as either owners or suzerains], from each of which the service of a soldier was due;" and the further fact that one of his laws requires all owners of land to "swear that they become vassals or tenants," and will "defend their lord's territories and title as well as his person" by "knight-service on horseback."

That this original relation between landowning and militancy long survived, we are shown by the armorial bearings

of county families, as well as by the portraits of family ancestors, who are mostly represented in military costume.

§ 459. Setting out with the class of warriors, or men bearing arms, who in primitive communities are owners of the land, collectively or individually, or partly one and partly the other, there arises the question—How does this class differentiate into nobles and freemen?

The most general reply is, of course, that since the state of homogeneity is by necessity unstable, time inevitably brings about inequalities of positions among those whose positions were at first equal. Before the semi-civilized state is reached, the differentiation cannot become decided; because there can be no larger accumulations of wealth, and because the laws of descent do not favour maintenance of such accumulations as are possible. But in the pastoral, and still more in the agricultural, community, especially where descent through males has been established, several causes of differentiation come into play. There is, first, unlikeness of kinship to the head man. Obviously, in course of generations, the younger descendants of the younger become more and more remotely related to the eldest descendant of the eldest; and social inferiority arises. As the obligation to execute blood-revenge for a murdered member of the family does not extend beyond a certain degree of relationship (in ancient France not beyond the seventh), so neither does the accompanying distinction. From the same cause comes inferiority in point of possessions. Inheritance by the eldest male from generation to generation, works the effect that those who are the most distantly connected in blood with the head of the group, are also the poorest. Then there cooperates with these factors a consequent factor; namely, the extra power which greater wealth gives. For when there arises disputes within the tribe, the richer are those who, by their better appliances for defence and their greater ability to purchase aid, naturally have the advantage over the poorer. Proof that this is a

potent cause is found in a fact named by Sir Henry Maine. "The founders of a part of our modern European aristocracy, the Danish, are known to have been originally peasants who fortified their houses during deadly village struggles and then used their advantage." Such superiorities of position, once initiated, are increased in another way. Already in the last chapter we have seen that communities are to a certain extent increased by the addition of fugitives from other communities—sometimes criminals, sometimes those who are oppressed. While, in places where such fugitives belong to races of superior types, they often become rulers (as among many Indian hill-tribes, whose rajahs are of Hindoo extraction), in places where they are of the same race and cannot do this, they attach themselves to those of chief power in their adopted tribe. Sometimes they yield up their freedom for the sake of protection: a man makes himself a slave by breaking a spear in the presence of his wished-for master, as among the East Africans, or by inflicting some small bodily injury upon him, as among the Fulahs. In ancient Rome the semi-slave class distinguished as clients, originated by this voluntary acceptance of servitude with safety. But where his aid promises to be of value in war, the fugitive offers himself as a warrior in exchange for maintenance and refuge. Other things equal, he chooses for master some one marked by superiority of power and property; and thus enables the man already dominant to become more dominant. Such armed dependents, having as aliens no claims to the lands of the group, and bound to its head only by fealty, answer in position to the *comites* as found in the early German communities, and as exemplified in old English times by the "Huscarlas" (Housecarls), with whom nobles surrounded themselves. Evidently, too, followers of this kind, having certain interests in common with their protector and no interests in common with the rest of the community, become, in his hands, the means of usurping communal rights and elevating himself while depressing the rest.

Step by step the contrast strengthens. Beyond such as have voluntarily made themselves slaves to a head man, others have become enslaved by capture in the wars meanwhile going on, others by staking themselves in gaming, others by purchase, others by crime, others by debt. And of necessity the possession of many slaves, habitually accompanying wealth and power, tends further to increase that wealth and power, and to mark off still more the higher rank from the lower.

And then, finally, the inferior freeman finds himself so much at the mercy of the superior freeman, or noble, and his armed followers of alien origin, that it becomes needful for safety's sake to be also a follower; and, at first voluntary, the relation of dependence grows more and more compulsory. "The freeman might choose his Lord, he might determine to whom, in technical phrase, he should *commend* himself; but a Lord he must have, a Lord to act at once as his protector and as his surety."

§ 460. Certain concomitant influences generate differences of nature, physical and mental, between those members of a community who have attained superior positions, and those who have remained inferior. Unlikenesses of status once initiated, lead to unlikenesses of life, which, by the constitutional changes they work, presently make the unlikenesses of status more difficult to alter.

First there comes difference of diet and its effects. In the habit, common among primitive tribes, of letting the women subsist on the leavings of the men, and in the accompanying habit of denying to the younger men certain choice viands which the older men eat, we see exemplified the inevitable proclivity of the strong to feed themselves at the expense of the weak; and when there arise class-divisions, there habitually results better nutrition of the superior than of the inferior. Forster remarks that in the Society Islands the lower classes often suffer from a scarcity of food which never

extends to the upper classes. In the Sandwich Islands the flesh of such animals as they have, is eaten principally by the chiefs. Of cannibalism among the Fijians, Seeman says —"the common people throughout the group, as well as women of all classes, were by custom debarred from it." These instances sufficiently indicate the contrast that everywhere arises between the diets of the ruling few and of the subject many. Naturally by such differences in diet, and accompanying differences in clothing, shelter, and strain on the energies, are eventually produced physical differences. Of the Fijians we read that "the chiefs are tall, well made, and muscular; while the lower orders manifest the meagreness arising from laborious service and scanty nourishment." The chiefs among the Sandwich Islanders "are tall and stout, and their personal appearance is so much superior to that of the common people, that some have imagined them a distinct race." Ellis, verifying Cook, says of the Tahitians, that the chiefs are, "almost without exception, as much superior to the peasantry . . . in physical strength as they are in rank and circumstances;" and Erskine notes a parallel contrast among the Tongans. That the like holds of the African races may be inferred from Reade's remark that—

"The court lady is tall and elegant; her skin smooth and transparent; her beauty has stamina and longevity. The girl of the middle classes, so frequently pretty, is very often short and coarse, and soon becomes a matron; while, if you descend to the lower classes, you will find good looks rare, and the figure angular, stunted, sometimes almost deformed."*

Simultaneously there arise between rulers and ruled, unlikenesses of bodily activity and skill. Occupied, as those of higher rank commonly are, in the chase when not occupied in war, they have a life-long discipline of a kind conducive to various physical superiorities; while, contrariwise, those occupied in agriculture, in carrying burdens, and in other

* While writing I find, in the recently-issued "Transactions of the Anthropological Institute," proof that even now in England, the professional classes are both taller and heavier than the artizan classes.

drudgeries, partially lose what agility and address they naturally had. Class-predominance is thus further facilitated.

And then there are the respective mental traits produced by daily exercise of power and by daily submission to power. The ideas, and sentiments, and modes of behaviour, perpetually repeated, generate on the one side an inherited fitness for command, and on the other side an inherited fitness for obedience; with the result that, in course of time, there arises on both sides the belief that the established relations of classes are the natural ones.

§ 461. By implying habitual war among settled societies, the foregoing interpretations have implied the formation of compound societies. Such class-divisions as have been described, are therefore usually complicated by further class-divisions arising from the relations established between those conquerors and conquered whose respective groups already contain class-divisions.

This increasing differentiation which accompanies increasing integration, is clearly seen in such semi-civilized societies as that of the Sandwich Islanders. Their ranks are—

"1. King, queens, and royal family, along with the councillor or chief minister of the king. 2. The governors of the different islands, and the chiefs of several large divisions. Many of these are descendants of those who were kings of the respective islands in Cook's time, and until subdued by T-amehameha. 3. Chiefs of districts or villages, who pay a regular rent for the land, cultivating it by means of their dependants, or letting it out to tenants. This rank includes also the ancient priests. 4. The labouring classes—those renting small portions of land, those working on the land for food and clothing, mechanics, musicians, and dancers."

And, as shown elsewhere, these labouring classes are otherwise divisible into—artizans, who are paid wages; serfs, attached to the soil; and slaves. Inspection makes it tolerably clear that the lowest chiefs, once independent, were reduced to the second rank when adjacent chiefs conquered them and became local kings; and that they were reduced to the third rank at the same time that these local kings became

chiefs of the second rank, when, by conquest, a kingship of the whole group was established. Other societies in kindred stages show us kindred divisions, similarly to be accounted for. Among the New Zealanders there are six grades; there are six among the Ashantees; there are five among the Abyssinians; and other more or less compounded African States present analogous divisions. Perhaps ancient Peru furnishes as clear a case as any of the superposition of ranks resulting from subjugation. The petty kingdoms which were massed together by the conquering Yncas, were severally left with the rulers and their subordinates undisturbed; but over the whole empire there was a superior organization of Ynca rulers of various grades. That kindred causes produced kindred effects in early Egyptian times, is inferable from traditions and remains which tell us both of local struggles which ended in consolidation, and of conquests by invading races; whence would naturally result the numerous divisions and sub-divisions which Egyptian society presented: an inference justified by the fact that under Roman dominion, there was a re-complication caused by the superposing of Roman governing agencies upon native governing agencies. Passing over other ancient instances, and coming to the familiar case of our own country, we may note how, from the followers of the conquering Normans, there arose the two ranks of the greater and lesser barons, holding their land directly from the king, while the old English thanes were reduced to the rank of sub-feudatories. Of course where perpetual wars produce, first, small aggregations, and then larger ones, and then dissolutions, and then reaggregations, and then unions of them, various in their extents, as happened in mediæval Europe, there result very numerous divisions. In the Merovingian kingdoms there were slaves having seven different origins; there were serfs of more than one grade; there were freedmen—men who, though emancipated, did not rank with the fully free; and there were two other classes less than free— the *liten* and the *coloni*. Of the free there

were three classes—independent landowners; freemen in relations of dependence with other freemen, of whom there were two kinds; and freemen in special relations with the king, of whom there were three kinds.

And here, while observing in these various cases how greater political differentiation is made possible by greater political integration, we may also observe that in early stages, while social cohesion is small, greater political integration is made possible by greater political differentiation. For the larger the mass to be held together, while incoherent, the more numerous must be the agents standing in successive degrees of subordination to hold it together.

§ 462. The political differentiations which militancy originates, and which for a long time increase in definiteness, so that mixture of ranks by marriage is made a crime, are at later stages, and under other conditions, interfered with, traversed, and partially or wholly destroyed.

Where, for ages and in varying degrees, war has been producing aggregations and dissolutions, the continual breaking up and re-forming of social bonds, obscures the original divisions established in the ways described: instance the state of things in the Merovingian kingdoms just named. And where, instead of conquests by kindred adjacent societies, which in large measure leave standing the social positions and properties of the subjugated, there are conquests by alien races carried on more barbarously, the original grades may be practically obliterated, and, in place of them, there may come grades established entirely by appointment of the despotic conqueror. In parts of the East, where such over-runnings of race by race have been going on from the earliest recorded times, we see this state of things substantially realized. There is little or nothing of hereditary rank; and the only rank recognized is that of official position. Besides the different grades of appointed state-functionaries, there are no class-distinctions having political meanings.

A tendency to subordination of the original ranks, and a substitution of new ranks, is otherwise caused: it accompanies the progress of political consolidation. The change which occurred in China illustrates this effect. Gutzlaff says—

"Mere title was afterwards (on the decay of the feudal system) the reward bestowed by the sovereign. . . . and the haughty and powerful grandees of other countries are here the dependent and penurious servants of the Crown. . . . The revolutionary principle of levelling all classes has been carried, in China, to a very great extent. . . . This is introduced for the benefit of the sovereign, to render his authority supreme."

The causes of such changes are not difficult to see. In the first place the subjugated local rulers, losing, as integration advances, more and more of their power, lose, consequently, more and more of their actual, if not of their nominal, rank: passing from the condition of tributary rulers to the condition of subjects. Indeed, jealousy on the part of the monarch sometimes prompts positive exclusion of them from influential positions; as in France, where "Louis XIV. systematically excluded the nobility from ministerial functions." Presently their distinction is further diminished by the rise of competing ranks created by State-authority. Instead of the titles inherited by the land-possessing military chiefs, which were descriptive of their attributes and positions, there come to be titles conferred by the sovereign. Certain of the classes thus established are still of military origin; as the knights made on the battle-field, sometimes in large numbers before battle, as at Agincourt, when 500 were thus created, and sometimes afterwards in reward for valour. Others of them arise from the exercise of political functions of different grades; as in France, where, in the seventeenth century, hereditary nobility was conferred on officers of the great council and officers of the chamber of accounts. The administration of law, too, originates titles of honour. In France, in 1607, nobility was granted to doctors, regents, and professors of law; and "the superior courts obtained, in 1644, the privileges of nobility of the first degree." So that, as Warnkœnig remarks, "the

original conception of nobility was in the course of time so much widened that its primitive relation to the possession of a fief is no longer recognizable, and the whole institution seems changed." These, with kindred instances which our own country and other European countries furnish, show us both how the original class-divisions become blurred, and how the new class-divisions are distinguished by being de-localized. They are strata which run through the integrated society, having, many of them, no reference to the land and no more connexion with one place than with another. It is true that of the titles artificially conferred, the higher are habitually derived from the names of districts and towns: so simulating, but only simulating, the ancient feudal titles expressive of actual lordship over territories. The other modern titles, however, which have arisen with the growth of political, judicial, and other functions, have not even nominal references to localities. This change naturally accompanies the growing integration of the parts into a whole, and the rise of an organization of the whole which disregards the divisions among the parts.

More effective still in weakening those primitive political divisions initiated by militancy, is increasing industrialism. This acts in two ways—firstly, by creating a class having power derived otherwise than from territorial possessions or official positions; and, secondly, by generating ideas and sentiments at variance with the ancient assumptions of class-superiority. As we have already seen, rank and wealth are at the outset habitually associated. Existing uncivilized peoples still show us this relation. The chief of a kraal among the Koranna Hottentots is "usually the person of greatest property." In the Bechuana language "the word *kosi* . . . has a double acceptation, denoting either a chief or a rich man." Such small authority as a Chinook chief has, "rests on riches, which consists in wives, children, slaves, boats, and shells." Rude European peoples, like the Albanians, yield kindred facts: the heads of their communes

"sont en general les gens les plus riches." Indeed it is manifest that before the development of commerce, and while possession of land could alone give largeness of means, lordship and riches were directly connected; so that, as Sir Henry Maine remarks, "the opposition commonly set up between birth and wealth, and particularly wealth other than landed property, is entirely modern." When, however, with the arrival of industry at that stage in which wholesale transactions bring large profits, there arise traders who vie with, and exceed, many of the landed nobility in wealth; and when by conferring obligations on kings and nobles, such traders gain social influence; there comes an occasional removal of the barrier between them and the titled classes. In France the process began as early as 1271, when there were issued letters ennobling Raoul the goldsmith—"the first letters conferring nobility in existence" in France. The precedent once established is followed with increasing frequency; and sometimes, under pressure of financial needs, there grows up the practice of selling titles, in disguised ways or openly. In France, in 1702, the king ennobled 200 persons at 3,000 livres a-head; in 1706, 500 persons at 6,000 livres a-head. And then the breaking down of the ancient political divisions thus caused, is furthered by that weakening of them consequent on the growing spirit of equality fostered by industrial life. In proportion as men are habituated to maintain their own claims while respecting the claims of others, which they do in every act of exchange, whether of goods for money or of services for pay, there is produced a mental attitude at variance with that which accompanies subjection; and, as fast as this happens, such political distinctions as imply subjection, lose more and more of that respect which gives them strength.

§ 463. Class-distinctions, then, date back to the beginnings of social life. Omitting these small wandering assemblages which are so incoherent that their component parts are

ever changing their relations to one another and to the environment, we see that wherever there is some coherence and some permanence of relation among the parts, there begin to arise political divisions. Relative superiority of power, first causing a differentiation at once domestic and social, between the activities of the sexes and the consequent positions of the sexes, presently begins to cause a differentiation among males, shown in the bondage of captives: a master-class and a slave-class are formed.

Where men continue the wandering life in pursuit of wild food for themselves or their cattle, the groups they form are debarred from doing more by war than appropriate one another's units individually; but where men have passed into the agricultural or settled state, it becomes possible for one community to take possession bodily of another community, along with the territory it occupies. When this happens there arise additional class-divisions. The conquered and tribute-paying community, besides having its headmen reduced to subjection, has its people reduced to a state such that, while they continue to live on their lands, they yield up, through the intermediation of their chiefs, part of the produce to the conquerors: so foreshadowing what eventually becomes a serf-class.

From the beginning the militant class, being by force of arms the dominant class, becomes the class which owns the source of food—the land. During the hunting and pastoral stages, the warriors of the group hold the land collectively. On passing into the settled state, their tenures become partly collective and partly individual in sundry ways, and eventually almost wholly individual. But throughout long stages of social evolution, landowning and militancy continue to be associated.

The class-differentiation of which militancy is the active cause, is furthered by the establishment of definite descent, and especially male descent, and by the transmission of position and property to the eldest son of the eldest continually.

This conduces to inequalities of position and wealth between near kindred and remote kindred; and such inequalities once initiated, tend to increase; since it results from them that the superior get greater means of maintaining their power by accumulating appliances for offence and defence.

Such differentiation is augmented, at the same time that a new differentiation is set up, by the immigration of fugitives who attach themselves to the most powerful member of the group: now as dependants who work, and now as armed followers—armed followers who form a class bound to the dominant man and unconnected with the land. And since, in clusters of such groups, fugitives ordinarily flock most to the strongest group, and become adherents of its head, they are instrumental in furthering those subsequent integrations and differentiations which conquests bring about.

Inequalities of social position, bringing inequalities in the supplies and kinds of food, clothing, and shelter, tend to establish physical differences: to the further advantage of the rulers and disadvantage of the ruled. And beyond the physical differences, there are produced by the respective habits of life, mental differences, emotional and intellectual, strengthening the general contrast of nature.

When there come the conquests which produce compound societies, and, again, doubly compound ones, there result superpositions of ranks. And the general effect is that, while the ranks of the conquering society become respectively higher than those which existed before, the ranks of the conquered society become respectively lower.

The class-divisions thus formed during the earlier stages of militancy, are traversed and obscured as fast as many small societies are consolidated into one large society. Ranks referring to local organization are gradually replaced by ranks referring to general organization. Instead of deputy and sub-deputy governing agents who are the militant owners of the sub-divisions they rule, there come governing agents who more or less clearly form strata running throughout the

society as a whole—a concomitant of developed political administration.

Chiefly, however, we have to note that while the higher political evolution of large social aggregates, tends to break down the divisions of rank which grew up in the small component social aggregates, by substituting other divisions, these original divisions are still more broken down by growing industrialism. Generating a wealth that is not connected with rank, this initiates a competing power; and at the same time, by establishing the equal positions of citizens before the law in respect of trading transactions, it weakens those divisions which at the outset expressed inequalities of position before the law.

As verifying these interpretations, I may add that they harmonize with the interpretations of ceremonial institutions already given. When the conquered enemy is made a slave, and mutilated by taking a trophy from his body, we see simultaneously originating the deepest political distinction and the ceremony which marks it; and with the continued militancy that compounds and re-compounds social groups, there goes at once the development of political distinctions and the development of ceremonies marking them. And as we before saw that growing industrialism diminishes the rigour of ceremonial rule, so here we see that it tends to destroy those class-divisions which militancy originates, and to establish quite alien ones which indicate differences of position consequent on differences of aptitude for the various functions which an industrial society needs.

CHAPTER V.

POLITICAL FORMS AND FORCES.

§ 464. The conceptions of biologists have been greatly enlarged by the discovery that organisms which, when adult, appear to have scarcely anything in common, were, in their first stages, very similar; and that, indeed, all organisms start with a common structure. Recognition of this truth has revolutionized not only their ideas respecting the relations of organisms to one another, but also their ideas respecting the relations of the parts of each organism to one another.

If societies have evolved, and if that mutual dependence of their parts which cooperation implies, has been gradually reached, then the implication is that however unlike their developed structures become, there is a rudimentary structure with which they all set out. And if there can be recognized any such primitive unity, recognition of it will help us to interpret the ultimate diversity. We shall understand better how in each society the several components of the political agency have come to be what we now see them; and also how those of one society are related to those of another.

Setting out with an unorganized horde, including both sexes and all ages, let us ask what must happen when some public question, as that of migration, or of defence against enemies, has to be decided. The assembled individuals will fall, more or less clearly, into two divisions. The elder, the stronger, and those whose sagacity and courage have been proved by experience, will form the smaller part, who carry

on the discussion; while the larger part, formed of the young, the weak, and the undistinguished, will be listeners, who usually do no more than express from time to time assent or dissent. A further inference may safely be drawn. In the cluster of leading men there is sure to be one whose weight is greater than that of any other—some aged hunter, some distinguished warrior, some cunning medicine-man, who will have more than his individual share in forming the resolution finally acted upon. That is to say, the entire assemblage will resolve itself into three parts. To use a biological metaphor, there will, out of the general mass, be differentiated a nucleus and a nucleolus.

These first traces of political structure which we infer *à priori* must spontaneously arise, we find have arisen among the rudest peoples: repetition having so strengthened them as to produce a settled order. When, among the aborigines of Victoria, a tribe plans revenge on another tribe supposed to have killed one of its members, "a council is called of all the old men of the tribe. . . The women form an outer circle round the men. . . The chief [simply 'a native of influence'] opens the council." And what we here see happening in an assemblage having no greater differences than those based on strength, age, and capacity, happens when, later, these natural distinctions have gained definiteness. In illustration may be named the account which Schoolcraft gives of a conference at which the Chippewas, Ottawas, and Pottowattomies met certain United States' Commissioners: Schoolcraft being himself present. After the address of the head commissioner had been delivered, the speaking on behalf of the Indians was carried on by the principal chiefs: the lead being taken by "a man venerable for his age and standing." Though Schoolcraft does not describe the assemblage of undistinguished people, yet that they were present is shown by a passage in one of the native speeches:—"Behold! see my brethren, both young and old—the warriors and chiefs—the women and children of my nation." And

that the political order observed on this occasion was the usual order, is implied by its recurrence even in parts of America where chiefs have become marked off by ascribed nobility; as instance the account of one of the Central American tribes, who "have frequent reunions in their council-house at night. The hall is then lighted up by a large fire, and the people sit with uncovered heads, listening respectfully to the observations and decisions of the *ahuales* —men over forty years of age, who have occupied public positions, or distinguished themselves in some way." Among peoples unlike in type and remote in locality, we find, modified in detail but similar in general character, this primitive governmental form. Of the Hill tribes of India may be instanced the Khonds, of whom we read that—

"Assemblies of the whole tribe, or of any of its sub-divisions, are convened, to determine questions of general importance. The members of every society, however, have a right to be present at *all* its councils, and to give their voices on the questions mooted, although the patriarchs alone take part in their public *discussion*." . . . "The federal patriarchs, in like manner, consult with the heads of tribes, and assemble when necessary the entire population of the federal group."

In New Zealand, too, the government was conducted in accordance with public opinion expressed in general assemblies; and the chiefs "could not declare peace or war, or do anything affecting the whole people, without the sanction of the majority of the clan." Of the Tahitians, Ellis tells us that the king had a few chiefs as advisers, but that no affair of national importance could be undertaken without consulting the land-holders or second rank, and also that public assemblies were held. Similarly of the Malagasy. "The greatest national council in Madagascar is an assembly of the people of the capital, and the heads of the provinces, towns, villages, &c." The king usually presides in person.

Though in these last cases we see considerable changes in the relative powers of the three components, so that the inner few have gained in authority at the expense of the outer many, yet all three are still present; and they continue to

be present when we pass to sundry historic peoples. Even of the Phœnicians, Movers notes that "in the time of Alexander a war was decided upon by the Tyrians without the consent of the absent king, the senate acting together with the popular assembly." Then there is the familiar case of the Homeric Greeks, whose Agora, presided over by the king, was "an assembly for talk, communication and discussion to a certain extent by the chiefs, in presence of the people as listeners and sympathisers," who were seated around; and that the people were not always passive is shown by the story of Thersitês, who, ill-used though he was by Odysseus and derided by the crowd for interfering, had first made his harangue. Again, the king, the senate, and the freemen, in early Roman times, stood in relations which had manifestly grown out of those existing in the original assembly; for though the three did not simultaneously co-operate, yet on important occasions the king communicated his proposals to the assembled burgesses, who expressed their approval or disapproval, and the clan-chiefs, forming the senate, though they did not debate in public, had yet such joint power that they could, on occasion, negative the decision of king and burgesses. Concerning the primitive Germans, Tacitus, as translated by Mr. Freeman, writes—

"On smaller matters the chiefs debate, on greater matters all men; but so that those things whose final decision rests with the whole people are first handled by the chiefs. . . . The multitude sits armed in such order as it thinks good; silence is proclaimed by the priests, who have also the right of enforcing it. Presently the king or chief, according to the age of each, according to his birth, according to his glory in war or his eloquence, is listened to, speaking rather by the influence of persuasion than by the power of commanding. If their opinions give offence, they are thrust aside with a shout; if they approved, the hearers clash their spears."

Similarly among the Scandinavians, as shown us in Iceland, where, besides the general Al-thing annually held, which it was "disreputable for a freeman not to attend," and at which "people of all classes in fact pitched their tents," there were local assemblies called Var-things "attended by all the free-

men of the district, with a crowd of retainers . . . both for the discussion of public affairs and the administration of justice . . . Within the circle [formed for administering justice] sat the judges, the people standing on the outside. In the account given by Mr. Freeman of the yearly meetings in the Swiss cantons of Uri and Appenzell, we may trace this primitive political form as still existing; for though the presence of the people at large is the fact principally pointed out, yet there is named, in the case of Uri, the body of magistrates or chosen chiefs who form the second element, as well as the head magistrate who is the first element. And that in ancient England there was a kindred constitution of the Witenagemót, is indirectly proved; as witness the following passage from Freeman's *Growth of the English Constitution*:—

"No ancient record gives us any clear or formal account of the constitution of that body. It is commonly spoken of in a vague way as a gathering of the wise, the noble, the great men. But, alongside passages like these, we find other passages which speak of it in a way which implies a far more popular constitution. King Eadward is said to be chosen King by 'all folk.' Earl Godwine 'makes his speech before the king and all the people of the land.'"

And the implication, as Mr. Freeman points out, is that the share taken by the people in the proceedings was that of expressing by shouts their approval or disapproval.

This form of ruling agency is thus shown to be the fundamental form, by its presence at the outset of social life and by its continuance under various conditions. Not among peoples of superior types only, such as Aryans and some Semites, do we find it, but also among sundry Malayo-Polynesians, among the red men of North America, the Dravidian tribes of the Indian hills, the aborigines of Australia. In fact, as already implied, governmental organization could not possibly begin in any other way. On the one hand, no controlling force at firsts exists save that of the aggregate will as manifested in the assembled horde. On the other hand, leading parts in determining this aggregate will are inevitably taken by the few whose superiority is recognized. And of

these predominant few, some one is sure to be most predominant. That which we have to note as specially significant, is not that a free form of government is the primitive form; though this is an implication which may be dwelt upon. Nor are we chiefly concerned with the fact that at the very beginning there shows itself that separation of the superior few from the inferior many, which becomes marked in later stages; though this, too, is a fact which may be singled out and emphasized. Nor is attention to be mainly directed to the early appearance of a man whose controlling power is greater than that of any other; though the evidence given may be cited to prove this. But here we have to note, particularly, the truth that at the outset may be discerned the vague outlines of a tri-une political structure.

§ 465. Of course the ratios among the powers of these three components are in no two cases quite the same; and, as implied in sundry of the above examples, they everywhere undergo more or less change—change determined here by the emotional natures of the men composing the group; there by the physical circumstances as favouring or hindering independence; now by the activities as warlike or peaceful; and now by the exceptional characters of particular individuals.

Unusual sagacity, skill, or strength, habitually regarded by primitive men as supernatural, may give to some member of the tribe an influence which, transmitted to a successor supposed to inherit his supernatural character, establishes an authority subordinating both that of the other leading men and that of the mass. Or from a division of labour such that while some remain exclusively warriors the rest are in a measure otherwise occupied, it may result that the two superior components of the political agency get power to over-ride the third. Or the members of the third, keeping up habits which make coercion of them difficult or impossible, may maintain a general predominance over the other two. And then the relations of these three governing elements to the

entire community may, and ordinarily do, undergo change by the formation of a passive class excluded from their deliberations—a class at first composed of the women and afterwards containing also the slaves or other dependents.

War successfully carried on, not only generates this passive class, but also, implying as it does subjection to leaders, changes more or less decidedly the relative powers of these three parts of the political agency. As, other things equal, groups in which there is little subordination are subjugated by groups in which subordination is greater, there is a tendency to the survival and spread of groups in which the controlling power of the dominant few becomes relatively great. In like manner, since success in war largely depends on that promptitude and consistency of action which singleness of will gives, there must, where warfare is chronic, be a tendency for members of the ruling group to become more and more obedient to its head: failure in the struggle for existence among tribes otherwise equal, being ordinarily a consequence of disobedience. And then it is also to be noted that the over-runnings of societies one by another, repeated and re-repeated as they often are, have the effect of obscuring and even obliterating the traces of the original structure.

While, however, recognizing the fact that during political evolution these three primitive components alter their proportions in various ways and degrees, to the extent that some of them become mere rudiments or wholly disappear, it will greatly alter our conception of political forms if we remember that they are all derived from this primitive form—that a despotism, an oligarchy, or a democracy, is a type of government in which one of the original components has greatly developed at the expense of the other two; and that the various mixed types are to be arranged according to the degrees in which one or other of the original components has the greater influence.

§ 466. Is there any fundamental unity of political forces

accompanying this fundamental unity of political forms? While losing sight of the common origin of the structures, have we not also become inadequately conscious of the common source of their powers? How prone we are to forget the ultimate while thinking of the proximate, it may be worth while pausing a moment to observe.

One who in a storm watches the breaking up of a wreck or the tearing down of a sea-wall, is impressed by the immense energy of the waves. Of course, when it is pointed out that in the absence of winds no such results can be produced, he recognizes the truth that the sea is in itself powerless, and that the power enabling it to destroy vessels and piers is given by the currents of air which roughen its surface. If he stops short here, however, he fails to identify the force which works these striking changes. Intrinsically, the air is just as passive as the water is. There would be no winds were it not for the varying effects of the Sun's heat on different parts of the Earth's surface. Even when he has traced back thus far the energy which undermines cliffs and makes shingle, he has not reached its source; for in the absence of that continuous concentration of the solar mass caused by the mutual gravitation of its parts, there would be no solar radiations.

The tendency here illustrated, which all have in some degree and most in a great degree, to associate power with the visible agency exercising it rather than with its inconspicuous source, has, as above implied, a vitiating influence on conceptions at large, and, among others, on political ones. Though the habit, general in past times, of regarding the powers of governments as inherent, has been, by the growth of popular institutions, a good deal qualified; yet, even now, there is no clear apprehension of the fact that governments are not themselves powerful, but are the instrumentalities of a power. This power existed before governments arose; governments were themselves produced by it; and it ever continues to be that which, disguised more or less completely, works through them. Let us go back to the beginning.

The Greenlanders are entirely without political control; having nothing which represents it more nearly than the deference paid to the opinion of some old man, skilled in seal-catching and the signs of the weather. But a Greenlander who is aggrieved by another, has his remedy in what is called a singing combat. He composes a satirical poem, and challenges his antagonist to a satirical duel in face of the tribe: "he who has the last word wins the trial." And then Crantz adds—"nothing so effectually restrains a Greenlander from vice, as the dread of public disgrace." Here we see operating in its original unqualified way, that governing influence of public sentiment which precedes more special governing influences. The dread of social reprobation is in some cases enforced by the dread of banishment. Among the otherwise unsubordinated Australians, they "punish each other for such offences as theft, sometimes by expulsion from the camp." Of one of the Columbian tribes we read that "the Salish can hardly be said to have any regular form of government;" and then, further, we read that "crimininals are sometimes punished by banishment from their tribe." Certain aborigines of the Indian hills, widely unlike these Columbians in type and in mode of life, show us a similar relation between undeveloped political restraint and the restraint of aggregate feeling. Among the Bodo and the Dhimáls, whose village heads are simply respected elders with no coercive powers, those who offend against customs "are admonished, fined, or excommunicated, according to the degree of the offence." But the controlling influence of public sentiment in groups which have little or no organization, is best shown in the force with which it acts on those who are bound to avenge murders. Concerning the Australian aborigines, Sir George Grey writes:—

"The holiest duty a native is called on to perform is that of avenging the death of his nearest relation, for it is his peculiar duty to do so; until he has fulfilled this task, he is constantly taunted by the old women; his wives, if he is married, would soon quit him; if he is unmarried, not a single young woman would speak to him; his mother

would constantly cry, and lament that she should ever have given birth to so degenerate a son; his father would treat him with contempt, and reproaches would constantly be sounded in his ear."

We have next to note that for a long time after political control has made its appearance, it remains conspicuously subordinate to this control of general feeling; both because, while there are no developed governmental structures, the head man has but little ability to enforce his will, and because such ability as he has, if unduly exercised, causes desertion. All parts of the world furnish illustrations. In America among the Snake Indians "each individual is his own master, and the only control to which his conduct is subjected, is the advice of a chief supported by his influence over the opinions of the rest of the tribe." Of a Chinook chief we are told that his ability to render service to his neighbours, and the popularity which follows it, is at once the foundation and the measure of his authority." If a Dakota "wishes to do mischief, the only way a chief can influence him is to give him something, or pay him to desist from his evil intentions. The chief has no authority to act for the tribe, and dare not do it." And among the Creeks, more advanced in political organization though they are, the authority of the elected chiefs "continues during good behaviour. The disapproval of the body of the people is an effective bar to the exercise of their powers and functions." Turning to Asia, we read that the bais or chiefs of the Khirgiz "have little power over them for good or evil. In consideration of their age and blood, some deference to their opinions is shown, but nothing more." The Ostyaks "pay respect, in the fullest sense of the word, to their chief, if wise and valiant, but this homage is voluntary, and founded on personal regard." And of the Naga chiefs Butler says—"Their orders are obeyed so far only as they accord with the wishes and convenience of the community." So, too, is it in parts of Africa; as instance the Koranna Hottentots. "A chief or captain presides over each clan or kraal, being usually the person of greatest pro-

perty; but his authority is extremely limited, and only obeyed so far as it meets the general approbation." And even among the more politically-organized Kaffirs, there is a kindred restraint. The king "makes laws and executes them according to his sole will. Yet there is a power to balance his in the people: he governs only so long as they choose to obey." They leave him if he governs ill.

In its primitive form, then, political power is the feeling of the community, acting through an agency which it has either informally or formally established. Doubtless, from the beginning, the power of the chief is in part personal: his greater strength, courage, or cunning, enables him in some degree to enforce his individual will. But, as the evidence shows, his individual will is but a small factor; and the authority he wields is proportionate to the degree in which he expresses the wills of the rest.

§ 467. While this public feeling, which first acts by itself and then partly through an agent, is to some extent the feeling spontaneously formed by those concerned, it is to a much larger extent the opinion imposed on them or prescribed for them. In the first place, the emotional nature prompting the general mode of conduct is derived from ancestors—is a product of all ancestral activities; and in the second place, the special desires which, directly or indirectly, determine the courses pursued, are induced during early life by seniors, and enlisted on behalf of beliefs and usages which the tribe inherits. The governing sentiment is, in short, mainly the accumulated and organized sentiment of the past.

It needs but to remember the painful initiation which, at a prescribed age, each member of a tribe undergoes (submitting to circumcision, or knocking out of teeth, or gashing of the flesh or tattooing)—it needs but to remember that from these imperative customs there is no escape; to see that the directive force which exists before a political agency arises, and which afterwards makes the political agency its organ,

is the gradually-formed opinion of countless preceding generations; or rather, not the opinion, which, strictly speaking, is an intellectual product wholly impotent, but the emotion associated with the opinion. This we everywhere find to be at the outset the chief controlling power.

The notion of the Tupis that "if they departed from the customs of their forefathers they should be destroyed," may be named as a definite manifestation of the force with which this transmitted opinion acts. In one of the rudest tribes of the Indian hills, the Juángs, less clothed than even Adam and Eve are said to have been, the women long adhered to their bunches of leaves in the belief that change was wrong. Of the Koranna Hottentots we read that "when ancient usages are not in the way, every man seems to act as is right in his own eyes." Though the Damara chiefs "have the power of governing arbitrarily, yet they venerate the traditions and customs of their ancestors." Smith says, "laws the Araucanians can scarcely be said to have, though there are many ancient usages which they hold sacred and strictly observe." According to Brooke, among the Dyaks custom simply seems to have become law, and breaking the custom leads to a fine. In the minds of some clans of the Malagasy, "innovation and injury are . . . . inseparable, and the idea of improvement altogether inadmissible."

This control by inherited usages is not simply as strong in groups of men who are politically unorganized, or but little organized, as it is in advanced tribes and nations, but it is stronger. As Sir John Lubbock remarks—"No savage is free. All over the world his daily life is regulated by a complicated and apparently most inconvenient set of customs (as forcible as laws), of quaint prohibitions and privileges." Though one of these rude societies appears structureless, yet its ideas and usages form a kind of invisible framework for it, serving rigorously to restrain certain classes of its actions. And this invisible framework has been slowly and unconsciously shaped, during daily activities impelled by pre-

vailing feelings and guided by prevailing thoughts, through generations stretching back into the far past.

In brief, then, before any definite agency for social control is developed, there exists a control arising partly from the public opinion of the living, and more largely from the public opinion of the dead.

§ 468. But now let us note definitely a truth implied in some of the illustrations above given—the truth that when a political agency has been evolved, its power, largely dependent on present public opinion, is otherwise almost wholly dependent on past public opinion. The ruler, in part the organ of the wills of those around, is in a still greater degree the organ of the wills of those who have passed away; and his own will, much restrained by the first, is still more restrained by the last.

For his function as regulator is mainly that of enforcing the inherited rules of conduct which embody ancestral sentiments and ideas. Everywhere we are shown this. Among the Arafuras such decisions as are given by their elders, are "according to the customs of their forefathers, which are held in the highest regard." So is it with the Khirgiz: "the judgments of the Bis, or esteemed elders, are based on the known and universally-recognized customs." And in Sumatra "they are governed, in their various disputes, by a set of long-established customs (*adat*), handed down to them from their ancestors. . . . The chiefs, in pronouncing their decisions, are not heard to say, 'so the law directs,' but 'such is the custom.'"

As fast as custom passes into law, the political head becomes still more clearly an agent through whom the feelings of the dead control the actions of the living. That the power he exercises is mainly a power which acts through him, we see on noting how little ability he has to resist it if he wishes to do so. His individual will is practically inoperative save where the overt or tacit injunctions of departed

generations leave him free. Thus in Madagascar, "in cases where there is no law, custom, or precedent, the word of the sovereign is sufficient." Among the East Africans, "the only limit to the despot's power is the Ada or precedent." Of the Javans, Raffles writes—"the only restraint upon the will of the head of the government is the custom of the country, and the regard which he has for his character among his subjects." In Sumatra the people "do not acknowledge a right in the chiefs to constitute what laws they think proper, or to repeal or alter their ancient usages, of which they are extremely tenacious and jealous." And how imperative is conformity to the beliefs and sentiments of progenitors, is shown by the fatal results apt to occur from disregarding them.

"'The King of Ashantee, although represented as a despotic monarch . . . . is not in all respects beyond control.' He is under an 'obligation to observe the national customs which have been handed down to the people from remote antiquity; and a practical disregard of this obligation, in the attempt to change some of the customs of their forefathers, cost Osai Quamina his throne.'"

Which instance reminds us how commonly, as now among the Hottentots, as in the past among the ancient Mexicans, and as throughout the histories of civilized peoples, rulers have engaged, on succeeding to power, not to change the established order.

§ 469. Doubtless the proposition that a government is in the main but an agency through which works the force of public feeling, present and past, seems at variance with the many facts showing how great may be the power of a ruling man himself. Saying nothing of a tyrant's ability to take lives for nominal reasons or none at all, to make groundless confiscations, to transfer subjects bodily from one place to another, to exact contributions of money and labour without stint, we are apparently shown by his ability to begin and carry on wars which sacrifice his subjects wholesale, that his single will may over-ride the united wills of all others. In what way, then, must the original statement be qualified?

While holding that, in unorganized groups of men, the feeling manifested as public opinion controls political conduct, just as it controls the conduct distinguished as ceremonial and religious; and while holding that governing agencies, during their early stages, are at once the products of aggregate feeling, derive their powers from it, and are restrained by it; we must admit that these primitive relations become complicated when, by war, small groups are compounded and re-compounded into great ones. Where the society is largely composed of subjugated people held down by superior force, the normal relation above described no longer exists. We must not expect to find in a rule coercively established by an invader, the same traits as in a rule that has grown up from within. Societies formed by conquest may be, and frequently are, composed of two societies, which are in large measure, if not entirely, alien; and in them there cannot arise a political force from the aggregate will. Under such conditions the political head either derives his power exclusively from the feeling of the dominant class, or else, setting the diverse feelings originated in the upper and lower classes, one against the other, is enabled so to make his individual will the chief factor.

After making which qualifications, however, it may still be contended that ordinarily, nearly all the force exercised by the governing agency originates from the feeling, if not of the whole community, yet of the part which is able to manifest its feeling. Though the opinion of the subjugated and unarmed lower society becomes of little account as a political factor, yet the opinion of the dominant and armed upper society continues to be the main cause of political action. What we are told of the Congo people, that "the king, who reigns as a despot over the people, is often disturbed in the exercise of his power by the princes his vassals,"—what we are told of the despotically-governed Dahomans, that "the ministers, war-captains, and feetishers may be, and often are, individually punished by the king: collectively they are too

strong for him, and without their cordial cooperation he would soon cease to reign;" is what we recognize as having been true, and as being still true, in various better-known societies where the supreme head is nominally absolute. From the time when the Roman emperors were chosen by the soldiers and slain when they did not please them, to the present time when, as we are told in Russia, the desire of the army often determines the will of the Czar, there have been many illustrations of the truth that an autocrat is politically strong or weak according as many or few of the influential classes give him their support; and that even the sentiments of those who are politically prostrate occasionally affect political action; as instance the influence of Turkish fanaticism over the decisions of the Sultan.

A number of facts must be remembered if we are rightly to estimate the power of the aggregate will in comparison with the power of the autocrat's will. There is the fact that the autocrat is obliged to respect and maintain the great mass of institutions and laws produced by past sentiments and ideas, which have acquired a religious sanction; so that, as in ancient Egypt, dynasties of despots live and die leaving the social order essentially unchanged. There is the fact that a serious change of the social order, at variance with general feeling, is likely afterwards to be reversed; as when, in Egypt, Amenhotep IV., spite of a rebellion, succeeded in establishing a new religion, which was abolished in a succeeding reign; and there is the allied fact that laws much at variance with the general will prove abortive, as, for instance, the sumptuary laws made by mediæval kings, which, continually re-enacted, continually failed. There is the fact that, supreme as he may be, and divine as the nature ascribed to him, the all-powerful monarch is often shackled by usages which make his daily life a slavery: the opinions of the living oblige him to fulfil the dictates of the dead. There is the fact that if he does not conform, or if he otherwise produces by his acts much adverse feeling, his servants, civil and military, refuse to act,

or turn against him; and in extreme cases there comes an example of "despotism tempered by assassination." And there is the final fact that habitually in societies where an offending autocrat is from time to time removed, another autocrat is set up: the implication being that the average sentiment is of a kind which not only tolerates but desires autocracy. That which some call loyalty and others call servility, both creates the absolute ruler and gives him the power he exercises.

But the cardinal truth, difficult adequately to appreciate, is that while the forms and laws of each society are the consolidated products of the emotions and ideas of those who lived throughout the past, they are made operative by the subordination of existing emotions and ideas to them. We are familiar with the thought of "the dead hand" as controlling the doings of the living in the uses made of property; but the effect of "the dead hand" in ordering life at large through the established political system, is immeasurably greater. That which, from hour to hour in every country, governed despotically or otherwise, produces the obedience making political action possible, is the accumulated and organized sentiment felt towards inherited institutions made sacred by tradition. Hence it is undeniable that, taken in its widest acceptation, the feeling of the community is the sole source of political power: in those communities, at least, which are not under foreign domination. It was so at the outset of social life, and it still continues substantially so.

§ 470. It has come to be a maxim of science that in the causes still at work, are to be identified the causes which, similarly at work during past times, have produced the state of things now existing. Acceptance of this maxim, and pursuit of the inquiries suggested by it, lead to verifications of the foregoing conclusions.

For day after day, every public meeting illustrates afresh this same differentiation characterizing the primitive political

agency, and illustrates afresh the actions of its respective parts. There is habitually the great body of the less distinguished, forming the audience, whose share in the proceedings consists in expressing approval or disapproval, and saying aye or no to the resolution proposed. There is the smaller part, occupying the platform—the men whose wealth, rank, or capacity, give them influence—the local chiefs, by whom the discussions are carried on. And there is the chosen head, commonly the man of greatest mark to be obtained, who exercises a recognized power over speakers and audience—the temporary king. Even an informally-summoned assemblage soon resolves itself into these divisions more or less distinctly; and when the assemblage becomes a permanent body, as of the men composing a commercial company, or a philanthropic society, or a club, definiteness is quickly given to the three divisions—president or chairman, board or committee, proprietors or members. To which add that, though at first, like the meeting of the primitive horde or the modern public meeting, one of these permanent associations voluntarily formed, exhibits a distribution of powers such that the select few and their head are subordinate to the mass; yet, as circumstances determine, the proportions of the respective powers usually change more or less decidedly. Where the members of the mass besides being much interested in the transactions, are so placed that they can easily cooperate, they hold in check the select few and their head; but where wide distribution, as of railway-shareholders, hinders joint action, the select few become, in large measure, an oligarchy, and out of the oligarchy there not unfrequently grows an autocrat: the constitution becomes a despotism tempered by revolution.

In saying that from hour to hour proofs occur that the force possessed by a political agency is derived from aggregate feeling, partly embodied in the consolidated system which has come down from the past, and partly excited by immediate circumstances, I do not refer only to the proofs that among

ourselves governmental actions are habitually thus determined, and that the actions of all minor bodies, temporarily or permanently incorporated, are thus determined. I refer, rather, to illustrations of the irresistible control exercised by popular sentiment over conduct at large. Such facts as that, while general opinion is in favour of duelling law does not prevent it, and that sacred injunctions backed by threats of damnation, fail to check iniquitous aggressions on foreign peoples when the prevailing passions prompt them, alone suffice to show that legal codes and religious creeds, with the agencies enforcing them, are impotent in face of an adverse state of mind. On remembering the eagerness for public applause and the dread of public disgrace which stimulate and restrain men, we cannot question that the diffused manifestations of feeling habitually dictate their careers, when their immediate necessities have been satisfied. It requires only to contemplate the social code which regulates life, down even to the colour of an evening neck-tie, and to note how those who dare not break this code have no hesitation in smuggling, to see that an unwritten law enforced by opinion is more peremptory than a written law not so enforced. And still more on observing that men disregard the just claims of creditors, who for goods given cannot get the money, while they are anxious to discharge so-called debts of honour to those who have rendered neither goods nor services, we are shown that the control of prevailing sentiment, unenforced by law and religion, may be more potent than law and religion together when they are backed by sentiment less strongly manifested. Looking at the total activities of men, we are obliged to admit that they are still, as they were at the outset of social life, guided by the aggregate feeling, past and present; and that the political agency, itself a gradually-developed product of such feeling, continues still to be in the main the vehicle for a specialized portion of it, regulating actions of certain kinds.

Partly, of course, I am obliged here to set forth this general truth as an essential element of political theory. My excuse

for insisting at some length on what appears to be a trite conclusion, must be that, however far nominally recognized, it is actually recognized to a very small extent. Even in our own country, where non-political agencies spontaneously produced and worked are many and large, and still more in most other countries less characterized by them, there is no due consciousness of the truth that the combined impulses which work through political agencies, can, in the absence of such agencies, produce others through which to work. Politicians reason as though State-instrumentalities have intrinsic power, which they have not, and as though the feeling which creates them has not intrinsic power, which it has. Evidently their actions must be greatly affected by reversal of these ideas.

CHAPTER VI.

POLITICAL HEADS—CHIEFS, KINGS, ETC.

§ 471. Of the three components of the tri-une political structure traceable at the outset, we have now to follow the development of the first. Already in the last two chapters something has been said, and more has been implied, respecting that most important differentiation which results in the establishment of a headship. What was there indicated under its general aspects has here to be elaborated under its special aspects.

"When Rink asked the Nicobarians who among them was the chief, they replied laughing, how could he believe that *one* could have power against so many?" I quote this as a reminder that there is, at first, resistance to the assumption of supremacy by one member of a group—resistance which, though in some types of men small, is in most considerable, and in a few very great. To instances already given of tribes practically chiefless may be added, from America, the Haidahs, among whom "the people seemed all equal;" the Californian tribes, among whom "each individual does as he likes;" the Navajos, among whom "each is sovereign in his own right as a warrior;" and from Asia the Angamies, who "have no recognized head or chief, although they elect a spokesman, who, to all intents and purposes, is powerless and irresponsible."

Such small subordination as rude groups show, occurs only

when the need for joint action is imperative, and control is required to make it efficient. Instead of recalling before-named examples of temporary chieftainship, I may here give some others. Of the Lower Californians we read—"In hunting and war they have one or more chiefs to lead them, who are selected only for the occasion." Of the Flatheads' chiefs it is said that "with the war their power ceases." Among the Sound Indians the chief "has no authority, and only directs the movements of his band in warlike incursions."

As observed under another head, this primitive insubordination has greater or less play according as the environment and the habits of life hinder or favour coercion. The Lower Californians, above instanced as chiefless, Baegert says resemble "herds of wild swine, which run about according to their own liking, being together to-day and scattered to-morrow, till they meet again by accident at some future time." "The chiefs among the Chipewyans are now totally without power," says Franklin; and these people exist as small migratory bands. Of the Abipones, who are "impatient of agriculture and a fixed home," and "are continually moving from place to place," Dobrizhoffer writes—"they neither revere their cacique as a master, nor pay him tribute or attendance as is usual with other nations." The like holds under like conditions with other races remote in type. Of the Bedouins Burckhardt remarks "the sheikh has no fixed authority;" and according to another writer "a chief, who has drawn the bond of allegiance too tight, is deposed or abandoned, and becomes a mere member of a tribe or remains without one."

And now, having noted the original absence of political control, the resistance it meets with, and the circumstances which facilitate evasion of it, we may ask what causes aid its growth. There are several; and chieftainship becomes settled in proportion as they cooperate.

§ 472. Among the members of the primitive group, slightly unlike in various ways and degrees, there is sure to be some

one who has a recognized superiority. This superiority may be of several kinds which we will briefly glance at.

Though in a sense abnormal, the cases must be recognized in which the superiority is that of an alien immigrant. The headmen of the Khonds "are usually descended from some daring adventurer" of Hindoo blood. Forsyth remarks the like of "most of the chiefs" in the highlands of Central Asia. And the traditions of Bochica among the Chibchas, Amalivaca among the Tamanacs, and Quetzalcoatl among the Mexicans, imply kindred origins of chieftainships. Here, however, we are mainly concerned with superiorities arising within the tribe.

The first to be named is that which goes with seniority. Though age, when it brings incapacity, is often among rude peoples treated with such disregard that the old are killed or left to die, yet, so long as capacity remains, the greater experience accompanying age generally insures influence. The chiefless Esquimaux show "deference to seniors and strong men." Burchell says that over the Bushmen, old men seem to exercise the authority of chiefs to some extent; and the like holds true with the natives of Australia. Among the Fuegians "the word of an old man is accepted as law by the young people." Each party of Rock Veddahs "has a headman, the most energetic senior of the tribe," who divides the honey, &c. Even with sundry peoples more advanced the like holds. The Dyaks in North Borneo "have no established chiefs, but follow the counsels of the old man to whom they are related;" and Edwards says of the ungoverned Caribs that "to their old men, indeed, they allowed some kind of authority."

Naturally, in rude societies, the strong hand gives predominance. Apart from the influence of age, "bodily strength alone procures distinction among" the Bushmen. The leaders of the Tasmanians were tall and powerful men: "instead of an elective or hereditary chieftaincy, the place of command was yielded up to the bully of the tribe." A remark of

Sturt's implies a like origin of supremacy among the Australians. Similarly in South America. Of people on the Tapajos, Bates tells us that "the footmarks of the chief could be distinguished from the rest by their great size and the length of the stride." And in Bedouin tribes "the fiercest, the strongest, and the craftiest obtains complete mastery over his fellows." During higher stages physical vigour long continues to be an all-important qualification; as in Homeric Greece, where even age did not compensate for decline of strength: "an old chief, such as Pêleus and Laërtes, cannot retain his position." Everyone knows that throughout Mediæval Europe, maintenance of headship largely depended on bodily prowess. And even but two centuries ago in the Western Isles of Scotland, "every Heir, or young Chieftain of a Tribe, was oblig'd in Honour to give a publick Specimen of his Valour, before he was own'd and declar'd Governor."

Mental superiority, alone or joined with other attributes, is a common cause of predominance. With the Snake Indians, the chief is no more than "the most confidential person among the warriors." Schoolcraft says of the chief acknowledged by the Creeks that "he is eminent with the people only for his superior talents and political abilities;" and that over the Comanches "the position of a chief is not hereditary, but the result of his own superior cunning, knowledgė, or success in war." A chief of the Coroados is one "who by his strength, cunning, and courage had obtained some command over them." And the Ostiaks "pay respect, in the fullest sense of the word, to their chief, if wise and valiant; but this homage is voluntary, and not a prerogative of his position."

Yet another source of governmental power in primitive tribes is largeness of possessions: wealth being at once an indirect mark of superiority and a direct cause of influence. With the Tacullies "any person may become a *miuty* or chief who will occasionally provide a village feast." "Among the Tolewas, in Del Norte Country, money makes the chief." The Spokanes have "no regularly recognized chief," "but

an intelligent and rich man often controls the tribe by his influence." Of the chiefless Navajos we read that "every rich man has many dependants, and these dependants are obedient to his will, in peace and in war." And to other evidence that it is the same in Africa, may be added the statement of Heuglin that "a Dor chief is generally the richest and most reputable man of the village or neighbourhood."

But, naturally, in societies not yet politically developed, acknowledged superiority is ever liable to be competed with or replaced by superiority arising afresh.

"If an Arab, accompanied by his own relations only, has been successful on many predatory excursions against the enemy, he is joined by other friends; and if his success still continues, he obtains the reputation of being '*lucky*;' and he thus establishes a kind of second, or inferior agydship in the tribe."

So in Sumatra—

"A commanding aspect, an insinuating manner, a ready fluency in discourse, and a penetration and sagacity in unravelling the little intricacies of their disputes, are qualities which seldom fail to procure to their possessor respect and influence, sometimes, perhaps, superior to that of an acknowledged chief."

And supplantings of kindred kinds occur among the Tongans and the Dyaks.

At the outset then, what we before distinguished as the principle of efficiency is the sole principle of organization. Such political headship as exists, is acquired by one whose fitness asserts itself in the form of greater age, superior prowess, stronger will, wider knowledge, quicker insight, or larger wealth. But evidently supremacy which thus depends exclusively on personal attributes is but transitory. It is liable to be superseded by the supremacy of some more able man from time to time arising; and if not superseded, is ended by death. We have, then, to inquire how permanent chieftainship becomes established. Before doing this, however, we must consider more fully the two kinds of superiority which especially conduce to chieftainship, and their modes of operation.

§ 473. As bodily vigour is a cause of predominance within the tribe on occasions daily occurring, still more on occasions of war is it, when joined with courage, a cause of predominance. War, therefore, tends to make more pronounced any authority of this kind which is incipient. Whatever reluctance other members of the tribe have to recognize the leadership of any one member, is likely to be over-ridden by their desire for safety when recognition of his leadership furthers that safety.

This rise of the strongest and most courageous warrior to power is at first spontaneous, and afterwards by agreement more or less definite: sometimes joined with a process of testing. Where, as in Australia, each "is esteemed by the rest only according to his dexterity in throwing or evading a spear," it is inferable that such superior capacity for war as is displayed, generates of itself such temporary chieftainship as exists. Where, as among the Comanches, any one who distinguishes himself by taking many "horses or scalps, may aspire to the honours of chieftaincy, and is gradually inducted by a tacit popular consent," this natural genesis is clearly shown. Very commonly, however, there is deliberate choice; as by the Flatheads, among whom, "except by the war-chiefs no real authority is exercised." Skill, strength, courage, and endurance are in some cases deliberately tested. The King of Tonga has to undergo a trial: three spears are thrown at him, which he must ward off. "The ability to climb up a large pole, well-greased, is a necessary qualification of a fighting chief among the Sea Dyaks;" and St. John says that in some cases, "it was a custom in order to settle who should be chief, for the rivals to go out in search of a head: the first in finding one being victor."

Moreover, the need for an efficient leader tends ever to re-establish chieftainship where it has become only nominal or feeble. Edward says of the Caribs that "in war, experience had taught them that subordination was as requisite as courage; they therefore elected their captains in their general

assemblies with great solemnity;" and "put their pretensions to the proof with circumstances of outrageous barbarity." Similarly, "although the Abipones neither fear their cacique as a judge, nor honour him as a master, yet his fellow-soldiers follow him as a leader and governor of the war, whenever the enemy is to be attacked or repelled."

These and like facts, of which there are abundance, have three kindred implications. One is that continuity of war conduces to permanence of chieftainship. A second is that, with increase of his influence as successful military head, the chief gains influence as civil head. A third is that there is thus initiated a union, maintained through subsequent phases of social evolution, between military supremacy and political supremacy. Not only among the uncivilized Hottentots, Malagasy, and others, is the chief or king head of the army—not only among such semi-civilized peoples as the ancient Peruvians and Mexicans, do we find the monarch one with the commander-in-chief; but the histories of extinct and surviving nations all over the world exemplify the connexion. In Egypt "in the early ages, the offices of king and general were inseparable." Assyrian sculptures and inscriptions represent the despotic ruler as also the conquering soldier; as do the records of the Hebrews. Civil and military headship were united among the Homeric Greeks; and in primitive Rome "the general was ordinarily the king himself." That throughout European history it has been so, and partially continues so even now in the more militant societies, needs no showing.

How command of a wider kind follows military command, we cannot readily see in societies which have no records: we can but infer that along with increased power of coercion which the successful head-warriors gains, naturally goes the exercise of a stronger rule in civil affairs. That this has been so among peoples who have known histories, there is proof. Of the primitive Germans Sohm remarks that the Roman invasions had one result:—

"The kingship became united with the leadership (become permanent) of the army, and, as a consequence, raised itself to a *power* [institution] in the State. The military subordination under the king-leader furthered political subordination under the king. . . . . Kingship after the invasions is a kingship clothed with supreme rights—a kingship in our sense."

In like manner it is observed by Ranke that during the wars with the English in the fifteenth century—

"The French monarchy, whilst struggling for its very existence, acquired at the same time, and as the result of the struggle, a firmer organization. The expedients adopted to carry on the contest grew, as in other important cases, to national institutions."

And modern instances of the relation between successful militancy and the strengthening of political control, are furnished by the career of Napoleon and the recent history of the German Empire.

Headship of the society, then, commonly beginning with the influence gained by the warrior of greatest power, boldness, and capacity, becomes established where activity in war gives opportunity for his superiority to show itself and to generate subordination; and thereafter the growth of civil governorship continues primarily related to the exercise of militant functions.

§474. Very erroneous, however, would be the idea formed if no further origin for political headship were named. There is a kind of influence, in some cases operating alone and in other cases cooperating with that above specified, which is all-important. I mean the influence possessed by the medicine-man.

That this arises as early as the other, can scarcely be said; since, until the ghost-theory takes shape, there is no origin for it. But when belief in the spirits of the dead becomes current, the medicine-man, professing ability to control them, and inspiring faith in his pretensions, is regarded with a fear which prompts obedience. When we read of the Thlinkeets that the " supreme feat of a conjuror's power is to

throw one of his liege spirits into the body of one who refuses to believe in his power, upon which the possessed is taken with swooning and fits," we may imagine the dread he excites, and the sway he consequently gains. From some of the lowest races upwards we find illustrations. Fitzroy says of the "doctor-wizard among the Fuegians" that he is the most cunning and most deceitful of his tribe, and that he has great influence over his companions. "Though the Tasmanians were free from the despotism of rulers, they were swayed by the counsels, governed by the arts, or terrified by the fears, of certain wise men or doctors. These could not only mitigate suffering, but inflict it." A chief of the Haidahs "seems to be the principal sorcerer, and indeed to possess little authority save from the connexion with the preterhuman powers." The Dakota medicine-men—

"Are the greatest rascals in the tribe, and possess immense influence over the minds of the young, who are brought up in the belief of their supernatural powers. . . . . The war-chief, who leads the party to war, is always one of these medicine-men, and is believed to have the power to guide the party to success, or save it from defeat."

Among more advanced peoples in Africa, supposed abilities to control invisible beings similarly give influence—strengthening authority otherwise gained. It is so with the Amazulu: a chief "practises magic on another chief before fighting with him;" and his followers have great confidence in him if he has much repute as a magician. Hence the sway acquired by Langalibalele, who, as Bishop Colenzo says, "knows well the composition of that *intelezi* [used for controlling the weather]; and he knows well, too, the war-medicine, *i. e.*, its component parts, being himself a doctor." Still better is seen the governmental influence thus acquired in the case of the king of Obbo, who in time of drought calls his subjects together and explains to them—

"how much he regrets that their conduct has compelled him to afflict them with unfavourable weather, but that it is their own fault. . . . He must have goats and corn. 'No goats, no rain; that's our contract, my friends,' says Katchiba. . . . Should his people complain of too

much rain, he threatens to pour storms and lightning upon them for ever, unless they bring him so many hundred baskets of corn, &c., &c. . . . His subjects have the most thorough confidence in his power."

And the king is similarly supposed to exercise control over the weather among the people of Loango.

A like connexion is traceable in the records of various extinct peoples in both hemispheres. Of Huitzilopochtli, the founder of the Mexican power, we read that "a great wizard he had been, and a sorcerer;" and every Mexican king on ascending the throne had to swear "to make the sun go his course, to make the clouds pour down rain, to make the rivers run, and all fruits to ripen." Reproaching his subjects for want of obedience, a Chibcha ruler told them they knew "that it was in his power to afflict them with pestilence, small-pox, rheumatism, and fever, and to make to grow as much grass, vegetables, and plants as they wanted." Ancient Egyptian records yield indications of a similar early belief. Thothmes III., after being deified, "was considered as the luck-bringing god of the country, and a preserver against the evil influence of wicked spirits and magicians." And it was thus with the Jews:—

"Rabbinical writings are never weary of enlarging upon the magical power and knowledge of Solomon. He was represented as not only king of the whole earth, but also as reigning over devils and evil spirits, and having the power of expelling them from the bodies of men and animals and also of delivering people to them."

The traditions of European peoples furnish kindred evidence. As before shown (§ 198) stories in the *Heims-kringla* saga imply that the Scandinavian ruler, Odin, was a medicine-man; as were also Niort and Frey, his successors. And after recalling the supernatural weapons and supernatural achievements of early heroic kings, we can scarcely doubt that with them were in some cases associated those ascribed magical characters whence have descended the supposed powers of kings to cure diseases by touching. We shall the less doubt this on finding that like powers were attributed to subordinate rulers of early origin. There existed certain Breton nobles

whose spittle and touch were said to have curative properties.

Thus one important factor in the genesis of political headship, originates with the ghost theory, and the concomitant rise of a belief that some men, having acquired power over ghosts, can obtain their aid. Generally the chief and the medicine-man are separate persons; and there then exists between them some conflict: they have competing authorities. But where the ruler joins with his power naturally gained, this ascribed supernatural power, his authority is necessarily much increased. Recalcitrant members of his tribe who might dare to resist him if bodily prowess alone could decide the struggle, do not dare if they think he can send one of his *posse comitatus* of ghosts to torment them. That rulers desire to unite the two characters, we have, in one case, distinct proof. Canon Callaway tells us that among the Amazulu, a chief will endeavour to discover a medicine-man's secrets and afterwards kill him.

§ 475. Still there recurs the question—How does permanent political headship arise? Such political headship as results from bodily power, or courage, or sagacity, even when strengthened by supposed supernatural aid, ends with the life of any savage who gains it. The principle of efficiency, physical or mental, while it tends to produce a temporary differentiation into ruler and ruled, does not suffice to produce a permanent differentiation. There has to cooperate another principle, to which we now pass.

Already we have seen that even in the rudest groups, age gives some predominance. Among both Fuegians and Australians, not only old men, but also old women, exercise authority. And that this respect for age, apart from other distinction, is an important factor in establishing political subordination, is implied by the curious fact that, in sundry advanced societies characterized by extreme governmental coercion, the respect due to age takes precedence of all other

respect. Sharpe remarks of ancient Egypt that "here as in Persia and Judæa the king's mother often held rank above his wife." In China, notwithstanding the inferior position of women socially and domestically, there exists this supremacy of the female parent, second only to that of the male parent; and the like holds in Japan. As supporting the inference that subjection to parents prepares the way for subjection to rulers, I may add a converse fact. Of the Coroados, whose groups are so incoherent, we read that—

"The pajé, however, has as little influence over the will of the multitude as any other, for they live without any bond of social union, neither under a republican nor a patriarchial form of government. Even family ties are very loose among them . . . . there is no regular precedency between the old and the young, for age appears to enjoy no respect among them."

And, as re-inforcing this converse fact, I may call attention to § 317, where it was shown that the Mantras, the Caribs, the Mapuchés, the Brazilian Indians, the Gallinomeros, the Shoshones, the Navajos, the Californians, the Comanches, who submit very little or not at all to chiefly rule, display a filial submission which is mostly small and ceases early.

But now under what circumstances does respect for age take that pronounced form seen in societies distinguished by great political subordination? It was shown in § 319 that when men, passing from the hunting stage into the pastoral stage, began to wander in search of food for their domesticated animals, they fell into conditions favouring the formation of patriarchal groups. We saw that in the primitive pastoral horde, the man, released from those earlier tribal influences which interfere with paternal power, and prevent settled relations of the sexes, was so placed as to acquire headship of a coherent cluster: the father became by right of the strong hand, leader, owner, master, of wife, children, and all he carried with him. There were enumerated the influences which tended to make the eldest male a patriarch; and it was shown that not only the Semites, Aryans, and Turanian races of Asia have exemplified this relation be-

tween pastoral habits and the patriarchal organization, but that it recurs in South African races.

Be the causes what they may, however, we find abundant proof that this family-supremacy of the eldest male, common among pastoral peoples and peoples who have passed through the pastoral stage into the agricultural stage, develops into political supremacy. Of the Santáls Hunter says—

"The village government is purely patriarchial. Each hamlet has an original founder (the Manjhi-Hanan), who is regarded as the father of the community. He receives divine honours in the sacred grove, and transmits his authority to his descendants."

Of the compound family among the Khonds we read in Macpherson that—

"There it [paternal authority] reigns nearly absolute. It is a Khond's maxim that a man's father is his god, disobedience to whom is the greatest crime; and all the members of a family live united in strict subordination to its head until his death."

And the growth of simple groups into compound and doubly-compound groups, acknowledging the authority of one who unites family headship with political headship, has been made familiar by Sir Henry Maine and others as common to early Greeks, Romans, Teutons, and as still affecting social organization among Hindoos and Sclavs.

Here, then, we have making its appearance, a factor which conduces to permanence of political headship. As was pointed out in a foregoing chapter, while succession by efficiency gives plasticity to social organization, succession by inheritance gives it stability. No settled arrangement can arise in a primitive community so long as the function of each unit is determined exclusively by his fitness; since, at his death, the arrangement, in so far as he was a part of it, must be recommenced. Only when his place is forthwith filled by one whose claim is admitted, does there begin a differentiation which survives through successive generations. And evidently in the earlier stages of social evolution, while the coherence is small and the want of structure great, it is requisite that the principle of inheritance should, especially in re-

spect of the political headship, predominate over the principle of efficiency. Contemplation of the facts will make this clear.

§ 476. Two primary forms of hereditary succession have to be considered. The system of kinship through females, common among rude peoples, results in descent of property and power to brothers or to the children of sisters; while the system of kinship through males, general among advanced peoples, results in descent of property and power to sons or daughters. We have first to note that succession through females is less conducive to stable political headships than is succession through males.

From the fact named when treating of the domestic relations, that the system of kinship through females arises where unions of the sexes are temporary or unsettled, it is to be inferred that this system characterizes societies which are unadvanced in all ways, political included. We saw in § 294, that irregular connexions involve paucity and feebleness of known relationships, and a type of family the successive links of which are not strengthened by so many collateral links. A common consequence is that along with descent through females there goes no chieftainship, or such chieftainship as exists is established by merit, or, if hereditary, is usually unstable. The Australians and Tasmanians supply typical instances. Among the Haidahs and other savage peoples of Columbia, "rank is nominally hereditary, for the most part by the female line;" and actual chieftainship "depends to a great extent on wealth and ability in war." Of other North American tribes the Chippewas, Comanches, Snakes, show us the system of kinship through females joined with either absence of established headship or very feeble development of it. Passing to South America, the Arawaks and the Waraus may be instanced as having female descent and almost nominal, though hereditary, chiefs; and the same may be said of the Caribs.

A group of facts having much significance may now be

noted. In many societies where descent of property and rank in the female line is the rule, an exception is made in the case of the political head; and societies exemplifying this exception are societies in which political headship is relatively stable. Though in Fiji there is kinship through females, yet, according to Seemann, the ruler, chosen from the members of the royal family, is "generally the son" of the late ruler. In Tahiti, where the two highest ranks follow the primitive system of descent, male succession to rulership is so pronounced that, on the birth of an eldest son the father becomes simply a regent on his behalf. And among the Malagasy, along with a prevailing kinship through females, the sovereign either nominates his successor, or, failing this, the nobles appoint, and "unless positive disqualification exists, the eldest son is usually chosen." Africa furnishes evidence of varied kinds. Though the Congo people, the Coast Negroes, and the Inland Negroes have formed communities of some size and complexity, notwithstanding that kinship through females obtains in the succession to the throne, yet we read of the first that allegiance is "vague and uncertain;" of the second that, save where free in form, the government is "an insecure and short-lived monarchic despotism;" and of the third that, where the government is not of mixed type, it is "a rigid but insecure despotism." Meanwhile, in the two most advanced and powerful states, stability of political headship goes along with departure, incipient or entire, from succession through females. In Ashantee, claims to the crown stand in this order—"the brother, the sister's son, the son;" and in Dahomey there is male primogeniture. Further instances of this transition are yielded by extinct American civilizations. The Aztec conquerors of Mexico brought with them the system of kinship through females, and consequent law of succession; but this law of succession was partially, or completely, changed to succession through males. In Tezcuco and Tlacopan (divisions of Mexico) the eldest son inherited the kingship; and in Mexico the choice of a king was limited

to the sons and brothers of the preceding king. Then, of ancient Peru, Gomara says—" nephews inherit, and not sons, except in the case of the Yncas: " this exception in the case of the Yncas, having the strange peculiarity that " the first-born of this brother and sister [*i. e.*, the Ynca and his principal wife] was the legitimate heir to the kingdom " : an arrangement which made the line of descent unusually narrow and definite. And here we are brought back to Africa by the parallelism between the case of Peru and that of Egypt. " In Egypt it was maternal descent that gave the right to property and to the throne. The same prevailed in Ethiopia. If the monarch married out of the royal family the children did not enjoy a legitimate right to the crown." When we add the statement that the monarch was " supposed to be descended from the gods, in the male and female line; " and when we join with this the further statement that there were royal marriages between brother and sister; we see that like causes worked like effects in Egypt and in Peru. For in Peru the Ynca was of supposed divine descent; inherited his divinity on both sides; and married his sister to keep the divine blood unmixed. And in Peru, as in Egypt, there resulted royal succession in the male line, where, otherwise, succession through females prevailed. Ancient Ceylon, where " the form of government was at all times an unmitigated despotism," appears to have furnished a parallel case; for Sir J. E. Tennant tells us that " the Singhelese kings frequently married their sisters."

With this process of transition from the one law of descent to the other, implied by these last facts, may be joined some processes which preceding facts imply. In New Caledonia a " chief nominates his successor, if possible, in a son or brother: " the one choice implying descent in the male line and the other being consistent with descent in either male or female line. And in Madagascar, where the system of female kinship prevailed, " the sovereign nominated his successor—naturally choosing a son." Further it is manifest that where,

as in these cases, when no nomination has been made the nobles choose among members of the royal family, and are determined in their choice by eligibility, there may be, and naturally is, a departure from descent in the female line; and this system of descent once broken through is likely for several reasons to be abolished. We are also introduced to another transitional process. For some of these cases are among the many in which succession to rulership is fixed in respect of the family, but not fixed in respect of the member of the family—a stage implying a partial but incomplete stability of the political headship. Several instances occur in Africa. "The crown of Abyssinia is hereditary in one family, but elective in the person," says Bruce. "Among the Timmanees and Bulloms, the crown remains in the same family, but the chiefs or head men of the country, upon whom the election of a king depends, are at liberty to nominate a very distant branch of that family." And a Kaffir "law requires the successor to the king should be chosen from amongst some of the youngest princes." In Java and Samoa, too, while succession to rulership is limited to the family, it is but partially settled with respect to the individual. And the like held in Spain (Aragon) before the 12th century; where "a small number of powerful barons elected their sovereign on every vacancy, though, as usual in other countries, out of one family."

That stability of political headship is secured by establishment of descent in the male line, is, of course, not alleged. The allegation simply is that succession after this mode conduces better than any other to its stability. Of probable reasons for this, one is that in the patriarchal group, as developed among those pastoral races from which the leading civilized peoples have descended, the sentiment of subordination to the eldest male, fostered by circumstances in the family and in the gens, becomes instrumental to a wider subordination in the larger groups eventually formed. Another probable reason is, that with descent in the male line there is

more frequently a union of efficiency with supremacy. The son of a great warrior, or man otherwise capable as a ruler, is more likely to possess kindred traits than is the son of his sister; and if so, it will happen that in those earliest stages when personal superiority is requisite as well as legitimacy of claim, succession in the male line will conduce to maintenance of power by making usurpation more difficult.

There is, however, a more potent influence which aids in giving permanence to political headship, and which operates more in conjunction with descent through males than in conjunction with descent through females—an influence probably of greater importance than any other.

§ 477. When showing, in § 475, how respect for age generates patriarchal authority where descent through males has arisen, I gave cases which incidentally showed a further result; namely, that the dead patriarch, worshipped by his descendants, becomes a family deity. In sundry chapters of Vol. I. were set forth at length the proofs, past and present, furnished by many places and peoples, of this genesis of gods from ghosts. Here there remains to be pointed out the strengthening of political headship which inevitably results.

Descent from a ruler who impressed men by his superiority, and whose ghost, specially feared, is propitiated in so unusual a degree as to distinguish it from ancestral ghosts at large, exalts and supports the living ruler in two ways. He is assumed to inherit from his great progenitor more or less of the power, apt to be thought supernatural, which characterized him; and, making sacrifices to this great progenitor, he is supposed to maintain such relations with him as insure divine aid. Passages in Canon Callaway's account of the Amazulu, show the influence of this belief. It is said, "the Itongo [ancestral ghosts] dwells with the great man, and speaks with him;" and then it is also said (referring to a medicine-man), "the chiefs of the house of Uzulu used not to allow a mere inferior to be even said to have power over the heaven; for

it was said that the heaven belonged only to the chief of that place." These facts yield a definite interpretation of others, like the following, which show that the authority of the terrestrial ruler is increased by his alleged relation to the celestial ruler; be the celestial ruler the ghost of the remotest known ancestor who founded the society, or of a conquering invader, or of a superior stranger.

Of the chiefs among the Kukis, who are descendants of Hindoo adventurers, we read:—

"All these Rajahs are supposed to have sprung from the same stock, which it is believed originally had connection with the gods themselves; their persons are therefore looked upon with the greatest respect and almost superstitious veneration, and their commands are in every case law."

Of the Tahitians Ellis says:—

"The god and the king were generally supposed to share the authority over the mass of mankind between them. The latter sometimes impersonated the former. . . . The kings, in some of the islands, were supposed to have descended from the gods. Their persons were always sacred."

According to Mariner, "*Toritonga* and *Veachi* (hereditary divine chiefs in Tonga,) are both acknowledged descendants of chief gods who formerly visited the islands of Tonga." And, in ancient Peru "the Ynca gave them [his vassals] to understand that all he did with regard to them was by an order and revelation of his father, the Sun."

This re-inforcement of natural power by supernatural power, becomes extreme where the ruler is at once a descendant of the gods and himself a god: a union which is familiar among peoples who do not distinguish the divine from the human as we do. It was thus in the case just instanced—that of the Peruvians. It was thus with the ancient Egyptians: the monarch "was the representative of the Divinity on earth, and of the same substance." Not only did he in many cases become a god after death, but he was worshipped as a god during life; as witness this prayer to Rameses II.

"When they had come before the king . . . they fell down to the ground, and with their hands they prayed to the king. They praised

this divine benefactor . . . speaking thus:—'We are come before thee, the lord of heaven, lord of the earth, sun, life of the whole world, lord of time . . . lord of prosperity, creater of the harvest, fashioner and former of mortals, dispenser of breath to all men; animater of the whole company of the gods . . . thou former of the great, creator of the small . . . thou our lord, our sun, by whose words out of his mouth Tum lives . . . grant us life out of thy hands . . . and breath for our nostrils.'"

This prayer introduces us to a remarkable parallel. Rameses, whose powers, demonstrated by his conquests, were regarded as so transcendant, is here described as ruling not only the lower world but also the upper world; and a like royal power is alleged in two existing societies where absolutism is similarly unmitigated—China and Japan. As shown when treating of Ceremonial Institutions (§ 347) both the Emperor of China and the Japanese Mikado, have such supremacy in heaven that they promote its inhabitants from rank to rank at will.

That this strengthening of political headship, if not by ascribed godhood then by ascribed descent from a god (either the apotheosized ancestor of the tribe or one of the elder deities), was exemplified among the early Greeks, needs not be shown. It was exemplified, too, among the Northern Aryans. "According to the old heathen faith, the pedigree of the Saxon, Anglian, Danish, Norwegian, and Swedish kings —probably also those of the German and Scandinavian kings generally—was traced to Odin, or to some of his immediate companions or heroic sons."

It is further to be noted that a god-descended ruler who is also chief priest of the gods (as he habitually is), obtains a more effective supernatural aid than does the ruler to whom magical powers alone are ascribed. For in the first place the invisible agents invoked by the magician are not conceived to be those of highest rank; whereas the divinely-descended ruler is supposed to get the help of a supreme invisible agent. And in the second place, the one form of influence over these dreaded superhuman beings, tends much less than the other to become a permanent attribute of the ruler. Though among

the Chibchas, we find a case in which magical power was transferred to a successor—though "the cazique of Sogamoso made known that he [Bochica] had left him heir of all his sanctity, and that he had the same power of making rain when he liked," and giving health or sickness (an assertion believed by the people); yet this is an exceptional case. Speaking generally, the chief whose relations with the other world are those of a sorcerer does not transmit his relations; and he does not therefore establish a supernatural dynasty, as does the chief of divine descent.

§ 478. And now, having considered the several factors which cooperate to establish political headship, let us consider the process of cooperation through its ascending stages. The truth to be noted is that the successive phenomena which occur in the simplest groups, habitually recur in the same order in compound groups, and again in doubly-compound groups.

As, in the simple group, there is at first a state in which there is no headship; so, when simple groups which have acquired political heads possessing slight authorities, are associated, there is at first no headship of the cluster. The Chinooks furnish an example. Describing them Lewis and Clarke say:—"As these families gradually expand into bands, or tribes, or nations, the paternal authority is represented by the chief of each association. This chieftain, however, is not hereditary." And then comes the further fact, which here specially concerns us, that "the chiefs of the separate villages are independent of each other:" there is no general chieftain.

As headship in a simple group, at first temporary, ceases when the war which initiates it ends; so in a cluster of groups which severally have recognized heads, a common headship at first results from a war, and lasts no longer than the war. Falkner says—"In a general war, when many nations enter into an alliance against a common enemy," the Patagonians

"chose an Apo, or Commander-in-chief, from among the oldest or most celebrated of the Caciques." The Indians of the Upper Orinoco live "in hordes of forty or fifty under a family government, and they recognize a common chief only in times of war." So is it in Borneo. "During war the chiefs of the Sarebas Dyaks give an uncertain allegiance to a head chief, or commander-in-chief." It has been the same in Europe. Seeley remarks that the Sabines "seem to have had a central government only in war time." Again, "Germany had anciently as many republics as it had tribes. Except in time of war, there was no chief common to all, or even to any given confederation."

This recalls the fact, indicated when treating of Political Integration, that the cohesion within compound groups is less than that within simple groups, and that the cohesion within the doubly compound is less than that within the compound. What was there said of cohesion may here be said of the subordination conducing to it; for we find that when, by continuous war, a permanent headship of a compound group has been generated, it is less stable than the headships of the simple groups are. Often it lasts only for the life of the man who achieves it; as among the Karens and the Maganga, instanced in § 226, and as among the Dyaks, of whom Boyle says—

"It is an exceptional case if a Dyak chief is raised to an acknowledged supremacy over the other chiefs. If he is so raised he can lay no claim to his power except that of personal merit and the consent of his former equals; and his death is instantly followed by the disruption of his dominions."

Even where there has arisen a headship of the compound group which lasts beyond the life of its founder, it remains for a long time not equal in stability to the headships of the component groups. Pallas, while describing the Mongol and Kalmuck chiefs as having unlimited power over their dependants, says that the khans had in general only an uncertain and weak authority over the subordinate chiefs. Concerning the Araucanians, Thompson says "the ulmenes are the lawful judges

of their vassals, and for this reason their authority is less precarious than that of the higher officers "—the central rulers. Of the Kaffirs we read:—"They are all vassals of the king, chiefs, as well as those under them; but the subjects are generally so blindly attached to their chiefs, that they will follow them against the king." Europe has furnished kindred examples. Of the Homeric Greeks Mr. Gladstone writes:—"It is probable that the subordination of the subchief to his local sovereign was a closer tie than that of the local sovereign to the head of Greece." And during the early feudal period in the West, allegiance to the minor but proximate ruler was stronger than that to the major but remote ruler.

In the compound group, as in the simple group, the progress towards stable headship is furthered by transition from succession by choice to succession by inheritance. During early stages of the independent tribe, chieftainship when not acquired by individual superiority tacitly yielded to, is acquired by election. In North America it is so with the Aleuts, the Comanches, and many more; in Polynesia it is so with the Land Dyaks; and, before the Mohammedan conquest, it was so in Java. Among the hill-peoples of India it is so with the Nagas and others. In sundry regions the change to hereditary succession is shown by different tribes of the same race. Of the Karens we read that "in many districts the chieftainship is considered hereditary, but in more it is elective." Some Chinook villages have chiefs who inherit their powers, though mostly they are chosen. Similarly, the compound group is at first ruled by an elected head. Several examples come to us from Africa. Bastian tells us that "in many parts of the Congo region the king is chosen by the petty princes." The crown of Yariba is not hereditary: "the chiefs invariably electing, from the wisest and most sagacious of their own body." And the king of Ibu, says Allen, seems to be "elected by a council of sixty elders, or chiefs of large villages." In Asia it is thus with the Kukis. "One, among all the Rajahs of each class, is chosen to be the Prudham

or chief Rajah of that clan. The dignity is not hereditary, as is the case with the minor Rajahships, but is enjoyed by each Rajah of the clan in rotation."

So has it been in Europe. Though by the early Greeks hereditary right was in a considerable measure recognized, yet the case of Telemachus implies "that a practice, either approaching to election, or in some way involving a voluntary action on the part of the subjects, or of a portion of them, had to be gone through." The like is true of ancient Rome. That its monarchy was elective "is proved by the existence in later times of an office of *interrex*, which implies that the kingly power did not devolve naturally upon an hereditary successor." Later on it was thus with Western peoples. Up to the beginning of the tenth century "the formality of election subsisted . . . in every European kingdom; and the imperfect right of birth required a ratification by public assent." And it was once thus with ourselves. Among the early English the Bretwaldship, or supreme headship over the minor kingdoms, was at first elective; and the form of election continued long traceable in our history. Moreover, it is observable that the change to hereditary succession is by assent, as in France. "The first six kings of this dynasty [the Capetian] procured the *co-optation* of their sons, by having them crowned during their own lives. And this was not done without the consent of the chief vassals."

The stability of the compound headship, made greater by efficient leadership in war and by establishment of hereditary succession, is further increased when there cooperates the additional factor—supposed supernatural origin or supernatural sanction. Everywhere, up from a New Zealand king, who is strictly *tapu*, or sacred, we may trace this influence; and occasionally, where divine descent or magical powers are not claimed, there is a claim to origin that is extraordinary. Asia yields an example in the Fodli dynasty, which reigned 150 years in South Arabia—a six-fingered dynasty, regarded with awe by the people because of its con-

tinuously-inherited malformation. Europe of the Merovingian period yields an example. In pagan times the king's race had an alleged divine origin; but in Christian times, says Waitz, when they could no longer mount back to the gods, a more than natural origin was alleged: "a sea-monster ravished the wife of Chlogio as she sat by the sea-shore, and from this embrace Merovech sprang." Later days show us the gradual acquisition of a sacred or semi-supernatural character, where it did not originally exist. Divine assent to their supremacy was asserted by the Carolingian kings. During the later feudal age, rare exceptions apart, kings "were not far removed from believing themselves near relatives of the masters of heaven. Kings and gods were colleagues." In the 17th century this belief was endorsed by divines. "Kings," says Bossuet, "are gods, and share in a manner the divine independence."

So that the headship of a compound group, arising temporarily during war, then becoming, with frequent cooperation of the groups, settled for life by election, passing presently into the hereditary form, and gaining permanence as fast as the law of succession grows well-defined and undisputed, acquires its greatest stability only when the king is regarded as a deputy god, or when, if he is not supposed to inherit a divine nature, he is supposed to have a divine commission.

§ 479. Ascribed divine nature, or divine descent, or divine commission, naturally gives to the political head unlimited sway. In theory, and often to a large extent in practice, he is owner of his subjects and of the territory they occupy.

Where militancy is pronounced, and the claims of a conqueror unqualified, it is indeed to a considerable degree thus with those uncivilized peoples who do not ascribe supernatural characters to their rulers. Among the Zulu Kaffirs the chief "exercises supreme power over the lives of his people;" the Bheel chiefs "have a power over the lives and property of their own subjects;" and in Fiji the subject is

property. But it is still more thus where the ruler is considered more than human. Astley tells us that in Loango the king is "called *samba* and *pongo*, that is, god;" and, according to Proyart, the Loango people "say their lives and goods belong to the king." In Wasoro (East Africa) "the king has unlimited power of life and death . . . in some tribes . . . he is almost worshipped." In Msambara the people say "we are all slaves of the Zumbe (king), who is our Mulungu" [god]. "By the state law of Dahomey, as at Benin, all men are slaves to the king, and most women are his wives;" and in Dahomey the king is called "the spirit." The Malagasy speak of their king as "our god;" and he is lord of the soil, owner of all property, and master of his subjects. Their time and services are at his command. In the Sandwich Islands the king, personating the god, utters oracular responses; and his power "extends over the property, liberty, and lives of his people." Various Asiatic rulers, whose titles ascribe to them divine descent and nature, stand in like relations to their peoples. In Siam "the king is master not only of the persons but really of the property of his subjects: he disposes of their labour and directs their movements at will." Of the Burmese we read—"their goods likewise, and even their persons are reputed his [the king's] property, and on this ground it is that he selects for his concubine any female that may chance to please his eye." In China "there is only one who possesses authority—the Emperor. . . . A wang, or king, has no hereditary possessions, and lives upon the salary vouchsafed by the Emperor. . . . He is the only possessor of the landed property." And the like is alleged of the divinely-descended Japanese Mikado: "his majesty, although often but a child a few years old, still dispensed ranks and dignities, and the ownership of the soil always in reality resided in him."

Of course, where the political head has unlimited power—where, as victorious invader, his subjects lie at his mercy, or where, as divinely descended, his will may not be questioned

without impiety, or where he unites the characters of conqueror and god, he naturally absorbs every kind of authority. He is at once military head, legislative head, judicial head, ecclesiastical head. The fully developed king is the supreme centre of every social structure and director of every social function.

§ 480. In a small tribe it is practicable for the chief personally to discharge all the duties of his office. Besides leading the other warriors in battle, he has time to settle disputes, he can sacrifice to the ancestral ghost, he can keep the village in order, he can inflict punishments, he can regulate trading transactions; for those governed by him are but few, and they live within a narrow space. When he acquires the headship of many united tribes, both the increased amount of business and the wider area covered by his subjects, put difficulties in the way of exclusively personal administration. It becomes necessary to employ others for the purposes of gaining information, conveying commands, seeing them executed; and in course of time the assistants thus employed grow into established heads of departments with deputed authorities.

While this development of governmental structures increases the ruler's power, by enabling him to deal with more numerous affairs, it, in another way, decreases his power; for his actions are more and more modified by the instrumentalities through which they are effected. Those who watch the working of administrations, no matter of what kind, have forced upon them the truth that a head regulative agency is at once helped and hampered by its subordinate agencies. In a philanthropic association, a scientific society, or a club, those who govern find that the organized officialism which they have created, often impedes, and not unfrequently defeats, their aims. Still more is it so with the immensely larger administrations of the State. Through deputies the ruler receives his information; by them his orders are

executed; and as fast as his connexion with affairs becomes indirect, his control over affairs diminishes; until, in extreme cases, he either dwindles into a puppet in the hands of his chief deputy or has his place usurped by him.

Strange as it seems, the two causes which conspire to give permanence to political headship, also, at a later stage, conspire to reduce the political head to an automaton, executing the wills of the agents he has created. In the first place, when hereditary succession is finally settled in some line of descent rigorously prescribed, the possession of supreme power becomes independent of capacity for exercising it. The heir to a vacant throne may be, and often is, too young for discharging its duties; or he may be, and often is, too feeble in intellect, too deficient in energy, or too much occupied with the pleasures which his position offers in unlimited amounts. The result is that in the one case the regent, and in the other the chief minister, becomes the actual ruler. In the second place, that sacredness which supposed divine origin gives, makes him inaccessible to the ruled. All intercourse between him and them must be through the agents he surrounds himself with. Hence it becomes difficult or impossible for him to learn more than they choose him to know; and there follows inability to adapt his commands to the requirements, and inability to discover whether his commands have been fulfilled. His authority is consequently used to give effect to the purposes of his agents.

Even in so relatively simple a society as that of Tonga, we find an example. There is an hereditary sacred chief who "was originally the sole chief, possessing temporal as well as spiritual power, and regarded as of divine origin," but who is now politically powerless. Abyssinia shows us something analogous. Holding no direct communication with his subjects, and having a sacredness such that even in council he sits unseen, the monarch is a mere dummy. In Gondar, one of the divisions of Abyssinia, the king must belong to the royal house of Solomon, but any one of the turbulent chiefs

who has obtained ascendency by force of arms, becomes a Ras—a prime minister or real monarch; though he requires "a titular emperor to perform the indispensable ceremony of nominating a Ras," since the name, at least, of emperor "is deemed essential to render valid the title of Ras." The case of Thibet may be named as one in which the sacredness of the original political head is dissociated from the claim based on hereditary descent; for the Grand Llama considered as "God the Father," incarnate afresh in each new occupant of the throne, is discovered among the people at large by certain indications of his godhood. But with his divinity, involving disconnexion with temporal matters, there goes absence of political power. A like state of things exists in Bhotan.

"The Dhurma Raja is looked upon by the Bhotanese in the same light as the Grand Lama of Thibet is viewed by his subjects—namely as a perpetual incarnation of the Deity, or Bhudda himself in a corporeal form. During the interval between his death and reappearance, or, more properly speaking, until he has reached an age sufficiently mature to ascend his spiritual throne, the office of Dhurma Raja is filled by proxy from amongst the priesthood."

And then along with this sacred ruler there co-exists a secular ruler. Bhotan "has two nominal heads, known to us and to the neighbouring hill-tribes under the Hindoostanee names of the Dhurma and the Deb Rajas. . . . The former is the spiritual head, the latter the temporal one." Though in this case the temporal head has not great influence (probably because the priest-regent, whose celibacy prevents him from founding a line, stands in the way of unchecked assumption of power by the temporal head), still the existence of a temporal head implies a partial lapsing of political functions out of the hands of the original political head. But the most remarkable, and at the same time most familiar, example, is that furnished by Japan. Here the supplanting of inherited authority by deputed authority is exemplified, not in the central government alone, but in the local governments.

"Next to the prince and his family came the *karos* or 'elders.' Their office became hereditary, and, like the princes, they in many instances

became effete. The business of what we may call the clan would thus fall into the hands of any clever man or set of men of the lower ranks, who, joining ability to daring and unscrupulousness, kept the princes and the *karos* out of sight, but surrounded with empty dignity, and, commanding the opinion of the bulk of the *samarai* or military class, wielded the real power themselves. They took care, however, to perform every act in the name of the *fainéants*, their lords, and thus we hear of . . . daimios, just as in the case of the Emperors, accomplishing deeds . . . of which they were perhaps wholly ignorant."

This lapsing of political power into the hands of ministers was, in the case of the central government, doubly illustrated. Successors as they were of a god-descended conqueror whose rule was real, the Japanese Emperors gradually became only nominal rulers; partly because of the sacredness which separated them from the nation, and partly because of the early age at which the law of succession frequently enthroned them. Their deputies consequently gained predominance. The regency in the ninth century " became hereditary in the Fujiwara [sprung from the imperial house], and these regents ultimately became all-powerful. They obtained the privilege of opening all petitions addressed to the sovereign, and of presenting or rejecting them at their pleasure." And then, in course of time, this usurping agency had its own authority usurped in like manner. Again succession by fixed rule was rigorously adhered to; and again seclusion entailed loss of hold on affairs. " High descent was the only qualification for office, and unfitness for functions was not regarded in the choice of officials." Besides the Shôgun's four confidential officers, " no one else could approach him. Whatever might be the crimes committed at Kama Koura, it was impossible through the intrigues of these favourites, to complain of them to the Seogoun." The result was that " subsequently this family . . . gave way to military commanders, who," however, often became the instruments of other chiefs.

Though less definitely, this process was exemplified during early times in Europe. The Merovingian kings, to whom there clung a tradition of supernatural origin, and whose order of

succession was so far settled that minors reigned, fell under the control of those who had become chief ministers. Long before Childeric, the Merovingian family had ceased to govern.

"The treasures and the power of the kingdom had passed into the hands of the prefects of the palace, who were called 'mayors of the palace,' and to whom the supreme power really belonged. The prince was obliged to content himself with bearing the name of king, having flowing locks and a long beard, sitting on the chair of State, and representing the image of the monarch."

§ 481. From the Evolution-standpoint we are thus enabled to discern the relative beneficence of institutions which, considered absolutely, are not beneficent; and are taught to approve as temporary that which, as permanent, we abhor. The evidence obliges us to admit that subjection to despots has been largely instrumental in advancing civilization. Induction and deduction alike prove this.

If, on the one hand, we group together those wandering headless hordes which are found here and there over the Earth, they show us that, in the absence of political organization, little progress has taken place; and if we contemplate those settled simple groups which have but nominal heads, we are shown that though there is some development of the industrial arts and some cooperation, the advance is but small. If, on the other hand, we glance at those ancient societies in which considerable heights of civilization were first reached, we see them under autocratic rule. In America, purely personal government, restricted only by settled customs, characterized the Mexican, Central American, and Chibcha states; and in Peru, the absolutism of the divine king was unqualified. In Africa, ancient Egypt exhibited very conspicuously this connexion between despotic control and social evolution. Throughout the distant past it was repeatedly displayed in Asia, from the Accadian civilization downwards; and the still extant civilizations of Siam, Burmah, China, and Japan, re-illustrate it. Early European societies, too, where not characterized by centralized despotism,

were still characterized by diffused patriarchal despotism. Only among modern peoples, whose ancestors passed through the discipline given under this social form, and who have inherited its effects, is civilization being dissociated from subjection to individual will.

The necessity there has been for absolutism is best seen on observing that, during inter-tribal and inter-national conflicts, those have conquered who, other things equal, were the more obedient to their chiefs and kings. And since in early stages, military subordination and social subordination go together, it results that, for a long time, the conquering societies continued to be the despotically-governed societies. Such exceptions as histories appear to show us, really prove the rule. In the conflict between Persia and Greece, the Greeks, but for a mere accident, would have been ruined by that division of councils which results from absence of subjection to a single head. And their habit of appointing a dictator when in great danger from enemies, implies that the Romans had discovered that efficiency in war requires undivided control.

Thus, leaving open the question whether, in the absence of war, wandering primitive groups could ever have developed into settled civilized communities, we conclude that, under such conditions as there have been, those struggles for existence among societies which have gone on consolidating smaller into larger, until great nations have been produced, necessitated the development of a social type characterized by personal rule of a stringent kind.

§ 482. To make clear the genesis of this leading political institution, let us set down in brief the several influences which have conspired to effect it, and the several stages passed through.

In the rudest groups, resistance to the assumption of supremacy by any individual, usually prevents the establishment of settled headship; though some influence is com-

monly acquired by superiority of strength, or courage, or sagacity, or possessions, or the experience accompanying age.

In such groups, and in tribes somewhat more advanced, two kinds of superiority conduce more than all others to predominance—that of the warrior and that of the medicine-man. Usually separate, but sometimes united in the same person, and then greatly strengthening him, both of these superiorities tending to initiate political headship, continue thereafter to be important factors in developing it.

At first, however, the supremacy acquired by great natural power, or supposed supernatural power, or both, is transitory —ceases with the life of one who has acquired it. So long as the principle of efficiency alone operates, political headship does not become settled. It becomes settled only when there cooperates the principle of inheritance.

The custom of reckoning descent through females, which characterizes many rude societies and survives in others that have made considerable advances, is less favourable to establishment of permanent political headship than is the custom of reckoning descent through males; and in sundry semi-civilized societies distinguished by permanent political headships, inheritance through males has been established in the ruling house while inheritance through females survives in the society at large.

Beyond the fact that reckoning descent through males conduces to a more coherent family, to a greater culture of subordination, and to a more probable union of inherited position with inherited capacity, there is the more important fact that it fosters ancestor-worship, and the consequent reinforcing of natural authority by supernatural authority. Development of the ghost-theory, leading as it does to special fear of the ghosts of powerful men, until, where many tribes have been welded together by a conqueror, his ghost acquires in tradition the pre-eminence of a god, produces two effects. In the first place his descendant, ruling after him, is supposed to partake of his divine nature; and in the second place, by

propitiatory sacrifices to him, is supposed to obtain his aid. Rebellion hence comes to be regarded as alike wicked and hopeless.

The processes by which political headships are established repeat themselves at successively higher stages. In simple groups chieftainship is at first temporary—ceases with the war which initiated it. When simple groups that have acquired permanent political heads, unite for military purposes, the general chieftainship is originally but temporary. As in simple groups chieftainship is at the outset habitually elective, and becomes hereditary at a later stage; so chieftainship of the compound group is habitually elective at the outset, and only later passes into the hereditary. Similarly in some cases where a doubly-compound society is formed. Further, this later-established power of a supreme ruler, at first given by election and presently gained by descent, is commonly less than that of the local rulers in their own localities; and when it becomes greater, it is usually by the help of ascribed divine origin or ascribed divine commission.

Where, in virtue of supposed supernatural genesis or authority, the king has become absolute, and, owning both subjects and territory, exercises all powers, he is obliged by the multiplicity of his affairs to depute his powers. There follows a reactive restraint due to the political machinery he creates; and this machinery ever tends to become too strong for him. Especially where rigorous adhesion to the rule of inheritance brings incapables to the throne, or where ascribed divine nature causes inaccessibility save through agents, or where both causes conspire, power passes into the hands of deputies. The legitimate ruler becomes an automaton and his chief agent the real ruler; and this agent, again, in some cases passing through parallel stages, himself becomes an automaton and his subordinates the rulers.

Lastly, by colligation and comparison of the facts, we are led to recognize the indirectly-achieved benefits which have followed the directly-inflicted evils of personal government.

Headship of the conquering chief has been a normal accompaniment of that political integration without which any high degree of social evolution would probably have been impossible. Only by imperative need for combination in war were primitive men led into cooperation. Only by subjection to imperative command was such cooperation made efficient. And only by the cooperation thus initiated were made possible those other forms of cooperation characterizing civilized life.

CHAPTER VII.

COMPOUND POLITICAL HEADS.

§ 483. In the preceding chapter we traced the development of the first element in that tri-une political structure which everywhere shows itself at the outset. We pass now to the development of the second element—the group of leading men among whom the chief is, at first, merely the most conspicuous. Under what conditions this so evolves as to subordinate the other two, what causes make it narrower, and what causes widen it until it passes into the third, we have here to observe.

If the innate feelings and aptitudes of a race have large shares in determining the sizes and cohesions of the social groups it forms, still more must they have large shares in determining the relations which arise among the members of such groups. While the mode of life followed tends to generate this or that political structure, its effects are always complicated by the effects of inherited character. Whether or not the primitive state in which governing power is equally distributed among all warriors or all elders, passes into the state in which governing power is monopolized by one, depends in part on the life of the group as predatory or peaceful, and in part on the natures of its members as prompting them to oppose dictation more or less doggedly. A few facts will make this clear.

The Arafuras (Papuan Islanders) who " live in peace and

brotherly love," have no other "authority among them than the decisions of their elders." Among the harmless Todas "all disputes and questions of right and wrong are settled either by arbitration or by a Punchayet—*i. e.*, a council of five." Of the Bodo and the Dhimáls, described as averse to military service, and "totally free from arrogance, revenge, cruelty, and *fierté*," we read that though each of their small communities has a nominal head who pays the tribute on its behalf, yet he is without power, and "disputes are settled among themselves by juries of elders." In these cases, besides absence of the causes which bring about chiefly supremacy, may be noted the presence of causes which directly hinder it. The Papuans generally, typified by the Arafuras above-named, while described by Modera, Ross, and Kolff, as "good-natured," "of a mild disposition," kind and peaceful to strangers, are said by Earl to be unfit for military action: "their impatience of control . . . utterly precludes that organization which would enable" the Papuans "to stand their ground against encroachments." The Bodo and the Dhimáls while "they are void of all violence towards their own people or towards their neighbours" also "resist injunctions, injudiciously urged, with dogged obstinacy." And of a kindred "very fascinating people," the Lepchas, amiable, peaceful, kind, as travellers unite in describing them, and who refuse to take service as soldiers, we are told that they will "undergo great privation rather than submit to oppression or injustice."

Where the repugnance to control is strong, an uncentralized political organization is maintained notwithstanding the warlike activities which tend to initiate chieftainship. The Nagas "acknowledge no king among themselves, and deride the idea of such a personage among others;" their "villages are continually at feud;" "every man being his own master, his passions and inclinations are ruled by his share of brute force." And then we further find that—

"Petty disputes and disagreements about property are settled by a

council of elders, the litigants voluntarily submitting to their arbitration. But correctly speaking, there is not the shadow of a constituted authority in the Naga community, and, wonderful as it may seem, this want of government does not lead to any marked degree of anarchy." Similarly among the warlike tribes of North America. Speaking of these people at large, Schoolcraft says that "they all wish to govern, and not to be governed. Every Indian thinks he has a right to do as he pleases, and that no one is better than himself; and he will fight before he will give up what he thinks right." Of the Comanches, as an example, he remarks that "the democratic principle is strongly implanted in them;" and that for governmental purposes "public councils are held at regular intervals during the year." Further, we read that in districts of ancient Central America there existed somewhat more advanced societies which, though warlike, were impelled by a kindred jealousy to provide against monopoly of power. The government was carried on by an elective council of old men who appointed a war chief; and this war chief, "if suspected of plotting against the safety of the commonwealth, or for the purpose of securing supreme power in his own hands, was rigorously put to death by the council."

Though the specialities of character which thus lead certain kinds of men in early stages to originate compound political heads, and to resist, even under stress of war, the rise of single political heads, are innate, we are not without clues to the circumstances which have made them innate; and with a view to interpretations presently to be made, it will be useful to glance at these. The Comanches and kindred tribes, roaming about in small bands, active and skilful horsemen, have, through long past periods, been so conditioned as to make coercion of one man by another difficult. So, too, has it been, though in another way, with the Nagas. "They inhabit a rough and intricate mountain range;" and their villages are perched "on the crest of ridges." Again, significant evidence is furnished by a remark of Captain Burton to the effect that in Africa, as in Asia, there are three

distinct forms of government—military despotisms, feudal monarchies, and rude republics: the rude republics being those formed by "the Bedouin tribes, the hill people, and the jungle races." Clearly, the names of these last show that they inhabit regions which, hindering by their physical characters a centralized form of government, favour a more diffused form of government, and the less decided political subordination which is its concomitant.

These facts are obviously related to certain others already named. We saw in § 17, and again in § 449, that it is relatively easy to form a large society if the country is one within which all parts are readily accessible, while it has barriers through which exit is difficult; and that, conversely, formation of a large society is prevented, or greatly delayed, by difficulties of communication within the occupied area, and by facilities of escape from it. Here we see, further, that not only is political integration under its primary aspect of increasing mass, hindered by these last-named physical conditions, but that there is hindrance to the development of a more integrated form of government. The circumstances which impede social consolidation also impede the concentration of political power.

The truth here chiefly concerning us, however, is that the continued presence of the one or the other set of conditions, fosters a character to which either the centralized political organization or the diffused political organization is appropriate. Existence, generation after generation, in a region where despotic control has arisen, produces an adapted type of nature; partly by daily habit and partly by survival of those most fit for living under such control. Contrariwise, in a region favouring preservation of their independence by small groups, there is a strengthening, through successive ages, of sentiments averse to restraint; since, not only are these sentiments exercised in all members of a group by resisting the efforts from time to time made to subordinate it, but, on the average, those who most per-

tinaciously resist are those who, remaining unsubdued, and transmitting their mental traits to posterity, determine the character of the race.

Having thus glanced at the effects of the factors, external and internal, as displayed in simple tribes, we shall understand how they cooperate when, by migration or otherwise, such tribes fall into circumstances favouring the growth of large societies.

§ 484. The case of an uncivilized people of the nature described, who have in recent times shown what occurs when union of small groups into great ones is prompted, will best initiate the interpretation.

The Iroquois nations, each made up of many tribes previously hostile, had to defend themselves against European invaders. Combination for this purpose among these five (and finally six) nations, necessitated a recognition of equality among them; since agreement to join would not have been arrived at had it been required that some divisions should be subject to others. The groups had to cooperate on the understanding that their "rights, privileges and obligations" should be the same. Though the numbers of permanent and hereditary sachems appointed by the respective nations to form the Great Council, differed, yet the voices of the several nations were equal. Omitting details of the organization, we have to note, first, that for many generations, notwithstanding the wars which this league carried on, its constitution remained stable—no supreme individual arose; and, second, that this equality among the powers of the groups coexisted with inequality within each group: the people had no share in its government.

A clue is thus furnished to the genesis of those compound heads with which ancient history familiarizes us. We are enabled to see how there came to co-exist in the same societies, some institutions of a despotic kind, with other institutions of a kind appearing to be based on the principle of

equality, and often confounded with free institutions. Let us recall the antecedents of those early European peoples who developed governments of this form.

During the wandering pastoral life, subordination to a single head was made habitual. A recalcitrant member of any group had either to submit to the authority under which he had grown up, or, rebelling, had to leave the group and face those risks which unprotected life in the wilderness threatened. The establishment of this subordination was furthered by the more frequent survival of groups in which it was greatest; since, in the conflicts between groups, those of which the members were insubordinate, ordinarily being both smaller and less able to cooperate effectually, were the more likely to disappear. But now to the fact that in such families and clans, obedience to the father and to the patriarch was fostered by circumstances, has to be added the fact above emphasized, that circumstances also fostered the sentiment of liberty in the relations between clans. The exercise of power by one of them over another, was made difficult by wide scattering and by great mobility; and with successful opposition to external coercion, or evasion of it, carried on through numberless generations, the tendency to resent and resist all strange authority was likely to become strong.

Whether, when groups thus disciplined aggregate, they assume this or that form of political organization, depends partly, as already implied, on the conditions into which they fall. Even could we omit those differences between Mongols, Semites, and Aryans, established in prehistoric times by causes unknown to us, or even had complete likeness of nature been produced among them by long-continued pastoral life; yet large societies formed by combinations of their small hordes, could be similar in type only under similar circumstances. In unfavourableness of circumstances is to be found the reason why Mongols and Semites, where they have settled and multiplied, have failed to maintain the autonomies of their hordes after combination of them, and to

evolve the resulting institutions. Even the Aryans, among whom chiefly the less concentrated forms of political rule have arisen, show us that almost everything depends on favourable or unfavourable conditions fallen into. Originally inheriting in common the mental traits generated during their life in the Hindu Koosh and its neighbourhood, the different divisions of the race have developed different institutions and accompanying characters. Those of them who spread into the plains of India, where great fertility made possible a large population, to the control of which there were small physical impediments, lost their independence of nature, and did not evolve political systems like those which grew up among their Western kindred, under circumstances furthering maintenance of the original character.

The implication is, then, that where groups of the patriarchal type fall into regions permitting considerable growth of population, but having physical structures which impede the centralization of power, compound political heads will arise, and for a time sustain themselves, through cooperation of the two factors—independence of local groups and need for union in war. Let us consider some examples.

§ 485. The island of Crete has numerous high mountain valleys containing good pasturage, and provides many seats for strongholds—seats which ruins prove that the ancient inhabitants utilized. Similarly with the mainland of Greece. A complicated mountain system cuts off its parts from one another and renders each difficult of access. Especially is this so in the Peloponnesus; and, above all, in the part occupied by the Spartans. It has been remarked that the State which possesses both sides of Taygetus, has it in its power to be master of the peninsula: "it is the Acropolis of the Peloponnese, as that country is of the rest of Greece."

When, over the earlier inhabitants, there came successive waves of Hellenic conquerors, these brought with them the type of nature and organization common to the Aryans, dis-

playing the united traits above described. Such a people taking possession of such a land, inevitably fell in course of time "into as many independent clans as the country itself was divided by its mountain chains into valleys and districts." From separation resulted alienation; so that those remote from one another, becoming strangers, became enemies. In early Greek times the clans, occupying mountain villages, were so liable to incursions from one another that the planting of fruit trees was a waste of labour. There existed a state like that seen at present among such Indian-hill tribes as the Nagas.

Though preserving the tradition of a common descent, and owning allegiance to the oldest male representative of the patriarch, a people spreading over a region which thus cut off from one another even adjacent small groups, and still more those remoter cluster of groups arising in course of generations, would inevitably become disunited in government: subjection to a general head would be more and more difficult to maintain, and subjection to local heads would alone continue practicable. At the same time there would arise, under such conditions, increasing causes of insubordination. When the various branches of a common family are so separated as to prevent intercourse, their respective histories, and the lines of descent of their respective heads, must become unknown, or but partially known, to one another; and claims to supremacy made now by this local head and now by that, are certain to be disputed. If we remember how, even in settled societies having records, there have been perpetual conflicts about rights of succession, and how, down to our own day, there are frequent law-suits to decide on heirships to titles and properties, we cannot but infer that in a state like that of the early Greeks, the difficulty of establishing the legitimacy of general headships, conspiring with the desire to assert independence and the ability to maintain it, inevitably entailed lapse into numerous local headships. Of course, under conditions varying in each locality, splittings-up of

wider governments into narrower went to different extents; and naturally, too, re-establishments of wider governments or extensions of narrower ones in some cases took place. But, generally, the tendency under such conditions was to form small independent groups, severally having the patriarchal type of organization. Hence, then, the decay of such kingships as are implied in the *Iliad*. As Grote writes—"When we approach historical Greece, we find that (with the exception of Sparta) the primitive, hereditary, unresponsible monarch, uniting in himself all the functions of government, has ceased to reign."*

Let us now ask what will happen when a cluster of clans of common descent, which have become independent and hostile, are simultaneously endangered by enemies to whom they are not at all akin, or but remotely akin? Habitually they will sink their differences and cooperate for defence. But on what terms will they cooperate? Even among friendly groups, joint action would be hindered if some claimed supremacy; and among groups having out-standing feuds there could be no joint action save on a footing of equality. The common defence would, therefore, be directed by a body

* While I am writing, the just-issued third volume of Mr. Skene's *Celtic Scotland*, supplies me with an illustration of the process above indicated. It appears that the original Celtic tribes which formed the earldoms of Moray, Buchan, Athol, Angus, Menteith, became broken up into clans; and how influential was the physical character of the country in producing this result, we are shown by the fact that this change took place in the parts of them which fell within the highland country. Describing the smaller groups which resulted, Mr. Skene says:—"While the clan, viewed as a single community, thus consisted of the chief, with his kinsmen to a certain limited degree of relationship; the commonality who were of the same blood, who all bore the same name, and his dependents, consisting of subordinate septs of native men, who did not claim to be of the blood of the chief, but were either probably descended from the more ancient occupiers of the soil, or were broken men from other clans, who had taken protection with him. . . . Those kinsmen of the chief who acquired the property of their land founded families. . . . The most influential of these was that of the oldest cadet in the family which had been longest separated from the main stem, and usually presented the appearance of a rival house little less powerful than that of the chief."

formed of the heads of the cooperating small societies; and if the cooperation for defence was prolonged, or became changed into cooperation for offence, this temporary controlling body would naturally grow into a permanent one, holding the small societies together. The special characters of this compound head would, of course, vary with the circumstances. Where the traditions of the united clans agreed in identifying some one chief as the lineal representative of the original patriarch or hero, from whom all descended, precedence and some extra authority would be permitted to him. Where claims derived from descent were disputed, personal superiority or election would determine which member of the compound head should take the lead. If within each of the component groups chiefly power was unqualified, there would result from union of chiefs a close oligarchy; while the closeness of the oligarchy would become less in proportion as recognition of the authority of each chief diminished. And in cases where there came to be incorporated numerous aliens, owing allegiance to the heads of none of the component groups, there would arise influences tending still more to widen the oligarchy.

Such, we may conclude, were the origins of those compound headships of the Greek states which existed at the beginning of the historic period. In Crete, where there survived the tradition of primitive kingship, but where dispersion and subdivision of clans had brought about a condition in which "different towns carried on open feuds," there were "patrician houses, deriving their right from the early ages of royal government," who continued "to retain possession of the administration." In Corinth the line of Herakleid kings "subsides gradually, through a series of empty names, into the oligarchy denominated Bacchiadæ. . . . The persons so named were all accounted descendants of Hêraklês, and formed the governing caste in the city." So was it with Megara. According to tradition, this arose by combination of several villages inhabited by kindred tribes, which, originally

in antagonism with Corinth, had, probably in the course of this antagonism, become consolidated into an independent state. At the opening of the historic period the like had happened in Sikyon and other places. Sparta, too, "always maintained, down to the times of the despot Nabis, its primitive aspect of a group of adjacent hill-villages rather than a regular city." Though in Sparta kingship had survived under an anomalous form, yet the joint representatives of the primitive king, still reverenced because the tradition of their divine descent was preserved, had become little more than members of the governing oligarchy, retaining certain prerogatives. And though it is true that in its earliest historically-known stage, the Spartan oligarchy did not present the form which would spontaneously arise from the union of chiefs of clans for cooperation in war—though it had become elective within a limited class of persons; yet the fact that an age of not less than sixty was a qualification, harmonizes with the belief that it at first consisted of the heads of the respective groups, who were always the eldest sons of the eldest; and that these groups with their heads, described as having been in pre-Lykurgean times, "the most lawless of all the Greeks," became united by that continuous militant life which distinguished them.*

* As bearing on historical interpretations at large, and especially on interpretations to be made in this work, let me point out further reasons than those given by Grote and others for rejecting the tradition that the Spartan constitution was the work of Lykurgus. The universal tendency to ascribe an effect to the most conspicuous proximate cause, is especially strong where the effect is one of which the causation is involved. Our own time has furnished an illustration in the ascription of Corn-law Repeal to Sir Robert Peel, and after him to Messrs. Cobden and Bright: leaving Colonel Thompson un-named. In the next generation the man who for a time carried on the fight single-handed, and forged sundry of the weapons used by the victors, will be unheard of in connexion with it. It is not enough, however, to suspect that Lykurgus was simply the finisher of other men's work. We may reasonably suspect that the work was that of no man, but simply that of the needs and the conditions. This may be seen in the institution of the public mess. If we ask what will happen with a small people who, for generations spreading as conquerors, have a contempt for all industry, and who,

The Romans exemplify the rise of a compound headship under conditions which, though partially different from those the Greeks were subject to, were allied fundamentally. In its earliest-known state, Latium was occupied by village-communities, which were united into cantons; while these cantons formed a league headed by Alba—a canton regarded as the oldest and most eminent. This combination was for joint defence; as is shown by the fact that each group of clan-villages composing a canton, had an elevated stronghold in common, and also by the fact that the league of cantons had for its centre and place of refuge, Alba, the most strongly placed as well as the oldest. The component cantons of the league were so far independent that there were wars between them; hence we may infer that when they cooperated for joint defence it was on substantially equal terms. Thus before Rome existed, the people who formed it had been habituated to a kind of life such that, with great subordination in each family and clan, and partial subordination within each canton (which was governed by a prince, council of elders, and assembly of warriors), there went a union of heads of cantons, who were in no degree subordinate one to another. When the inhabitants of three of these cantons, the Ramnians, Tities, and Luceres, began to occupy the tract on which Rome stands, they brought with them their political organization.

when not at war, pass their time in exercises fitting them for war, it becomes manifest that at first the daily assembling to carry on these exercises will entail the daily bringing of provisions by each. As happens in those pic-nics in which all who join contribute to the common repast, a certain obligation respecting quantities and qualities will naturally arise—an obligation which, repeated daily, will pass from custom into law: ending in a specification of the kinds and amounts of food. Further, it is to be expected that as the law thus arises in an age when food is coarse and unvaried, the simplicity of the diet, originally unavoidable, will eventually be considered as intended—as an ascetic regimen deliberately devised. [When writing this I was not aware that, as pointed out by Prof. Paley in *Fraser's Magazine*, for February, 1881, among the Greeks of later times, it was common to have dinners to which each guest brought his share of provisions, and that those who contributed little and consumed much were objects of satire. This fact increases the probability that the Spartan mess originated as suggested.]

The oldest Roman patricians bore the names of rural clans belonging to these cantons. Whether, when seating themselves on the Palatine hills and on the Quirinal, they preserved their cantonal divisions, is not clear; though it seems probable *à priori*. But, however this may be, there is proof that they fortified themselves against one another, as well as against outer enemies. The "mount-men" of the Palatine and the "hill-men" of the Quirinal were habitually at feud; and even among the minor divisions of those who occupied the Palatine, there were dissensions. As Mommsen says, primitive Rome was "rather an aggregate of urban settlements than a single city." And that the clans who formed these settlements brought with them their enmities, is to be inferred from the fact that not only did they fortify the hills on which they fixed themselves, but even "the houses of the old and powerful families were constructed somewhat after the manner of fortresses."

So that again, in the case of Rome, we see a cluster of small independent communities, allied in blood but partially antagonistic, which had to cooperate against enemies on such terms as all would agree to. In early Greece the means of defence were, as Grote remarks, greater than the means of attack; and it was the same in early Rome. Hence, while coercive rule within the family and the group of related families was easy, there was difficulty in extending coercion over many such groups: fortified as they were against one another. Moreover, the stringency of government within each of the communities constituting the primitive city, was diminished by facility of escape from one and admission into another. As we have seen among simple tribes, desertions take place when the rule is harsh; and we may infer that, in primitive Rome there was a check on exercise of force by the more powerful families in each settlement over the less powerful, caused by the fear that migration might weaken the settlement and strengthen an adjacent one. Thus the circumstances were such that when, for defence of the city, co-

operation became needful, the heads of the clans included in its several divisions came to have substantially equal powers. The original senate was the collective body of clan-elders; and "this assembly of elders was the ultimate holder of the ruling power:" it was "an assembly of kings." At the same time, the heads of families in each clan, forming the body of burgesses, stood, for like reasons, on equal footing. Primarily for command in war, there was an elected head, who was also chief magistrate. Though not having the authority given by alleged divine descent, he had the authority given by supposed divine approval; and, himself bearing the insignia of a god, he retained till death the absoluteness appropriate to one. But besides the fact that the choice, originally made by the senate, had to be again practically made by it in case of sudden vacancy; and besides the fact that each king, nominated by his predecessor, had to be approved by the assembled burgesses; there is the fact that the king's power was executive only. The assembly of burgesses "was in law superior to, rather than co-ordinate with, the king." Further, in the last resort was exercised the supreme power of the senate; which was the guardian of the law and could veto the joint decision of king and burgesses. Thus the constitution was in essence an oligarchy of heads of clans, included in an oligarchy of heads of houses—a compound oligarchy which became unqualified when kingship was suppressed. And here should be emphasized the truth, sufficiently obvious and yet continually ignored, that the Roman Republic which remained when the regal power ended, differed utterly in nature from those popular governments with which it has been commonly classed. The heads of clans, of whom the narrower governing body was formed, as well as the heads of families who formed the wider governing body, were, indeed, jealous of one another's powers; and in so far simulated the citizens of a free state who individually maintain their equal rights. But these heads severally exercised unlimited powers over the members of their house-

holds and over their clusters of dependents. A community of which the component groups severally retained their internal autonomies, with the result that the rule within each remained absolute, was nothing but an aggregate of small despotisms. Institutions under which the head of each group, besides owning slaves, had such supremacy that his wife and children, including even married sons, had no more legal rights than cattle, and were at his mercy in life and limb, or could be sold into slavery, can be called free institutions only by those who confound similarity of external outline with similarity of internal structure.*

§ 486. The formation of compound political heads in later times, repeats this process in essentials if not in details. In one way or other, the result arises when a common need for defence compels cooperation, while there exists no means of securing cooperation save voluntary agreement.

Beginning with the example of Venice, we notice first that the region occupied by the ancient Veneti, included the extensive marshy tract formed of the deposits brought down by several rivers to the Adriatic—a tract which, in Strabo's day, was "intersected in every quarter by rivers, streams, and morasses;" so that "Aquileia and Ravenna were then cities in the marshes." Having for their stronghold this region full of spots accessible only to inhabitants who knew the intricate ways to them, the Veneti maintained their independence, spite of the efforts of the Romans to subdue them, until the time of Cæsar. In later days, kindred results were more markedly displayed in that part of this region specially characterized by inaccessibility. From early ages the islets, or rather mud-banks, on which Venice stands, were inhabited

* I should have thought it needless to insist on so obvious a truth had it not been that even still there continues this identification of things so utterly different. Within these few years has been published a magazine-article by a distinguished historian, describing the corruptions of the Roman Republic during its latter days, with the appended moral that such were, and are, likely to be the results of democratic government!

by a maritime people. Each islet, secure in the midst of its tortuous lagunes, had a popular government of annually-elected tribunes. And these original governments, existing at the time when there came several thousands of fugitives, driven from the mainland by the invading Huns, survived under the form of a rude confederation. As we have seen happens generally, the union into which these independent little communities were forced for purposes of defence, was disturbed by feuds; and it was only under the stress of opposition to aggressing Lombards on the one side and Sclavonic pirates on the other, that a general assembly of nobles, clergy, and citizens, appointed a duke or doge to direct the combined forces and to restrain internal factions: being superior to the tribunes of the united islets and subject only to this body which appointed him. What changes subsequently took place—how, beyond the restraints imposed by the general assembly, the doge was presently put under the check of two elected councillors, and on important occasions had to summon the principal citizens—how there came afterwards a representative council, which underwent from time to time modifications—does not now concern us. Here we have simply to note that, as in preceding cases, the component groups being favourably circumstanced for severally maintaining their independence of one another, the imperative need for union against enemies initiated a rude compound headship, which, notwithstanding the centralizing effects of war, long maintained itself in one or other form.

On finding allied results among men of a different race but occupying a similar region, doubts respecting the process of causation must be dissipated. Over the area, half land, half water, formed of the sediment brought down by the Rhine and adjacent rivers, there early existed scattered families. Living on isolated sand-hills, or in huts raised on piles, they were so secure amid their creeks and mud-banks and marshes, that they remained unsubdued by the Romans. Subsisting at first by fishing, with here and there such small agriculture

as was possible, and eventually becoming maritime and commercial, these people, in course of time, rendered their land more habitable by damming out the sea; and they long enjoyed a partial if not complete independence. In the third century, "the low countries contained the only free people of the German race." Especially the Frisians, more remote than the rest from invaders, "associated themselves with the tribes settled on the limits of the German Ocean, and formed with them a connexion celebrated under the title of the 'Saxon League.'" Though at a later time, the inhabitants of the low countries fell under Frankish invaders; yet the nature of their *habitat* continued to give them such advantages in resisting foreign control, that they organized themselves after their own fashion notwithstanding interdicts. "From the time of Charlemagne, the people of the ancient Menapia, now become a prosperous commonwealth, formed political associations to raise a barrier against the despotic violence of the Franks." Meanwhile the Frisians, who, after centuries of resistance to the Franks, were obliged to yield and render small tributary services, retained their internal autonomy. They formed "a confederation of rude but self-governed maritime provinces:" each of these seven provinces being divided into districts severally governed by elective heads with their councils, and the whole being under a general elective head and a general council.

Of illustrations which modern times have furnished, must be named those which again show us the effects of a mountainous region. The most notable is, of course, that of Switzerland. Surrounded by forests, "among marshes, and rocks, and glaciers, tribes of scattered shepherds had, from the early times of the Roman conquest, found a land of refuge from the successive invaders of the rest of Helvetia." In the labyrinths of the Alps, accessible to those only who knew the ways to them, their cattle fed unseen; and against straggling bands of marauders who might discover their retreats, they had great facilities for defence. These districts—which

eventually became the cantons of Schweitz, Uri, and Unterwalden, originally having but one centre of meeting, but eventually, as population increased, getting three, and forming separate political organizations—long preserved complete independence. With the spread of feudal subordination throughout Europe, they became nominally subject to the Emperor; but, refusing obedience to the superiors set over them, they entered into a solemn alliance, renewed from time to time, to resist outer enemies. Details of their history need not detain us. The fact of moment is that in these three cantons, which physically favoured in so great a degree the maintenance of independence by individuals and by groups, the people, while framing for themselves free governments, united on equal terms for joint defence. And it was these typical "Swiss," as they were the first to be called, whose union formed the nucleus of the larger unions which, through varied fortunes, eventually grew up. Severally independent as were the cantons composing these larger unions, there at first existed feuds among them, which were suspended during times of joint defence. Only gradually did the league pass from temporary and unsettled forms to a permanent and settled form. Two facts of significance should be added. One is that, at a later date, a like process of resistance, federation, and emancipation from feudal tyranny, among separate communities occupying small mountain valleys, took place in the Grisons and in the Valais: regions which, though mountainous, were more accessible than those of the Oberland and its vicinity. The other is that the more level cantons neither so early nor so completely gained their independence; and, further, that their internal constitutions were less free in form. A marked contrast existed between the aristocratic republics of Berne, Lucerne, Fribourg, and Soleure, and the pure democracies of the forest cantons and the Grisons; in the last of which "every little hamlet resting in an Alpine valley, or perched on mountain crag, was an independent community, of which all the members

were absolutely equal—entitled to vote in every assembly, and qualified for every public function." "Each hamlet had its own laws, jurisdiction, and privileges;" while the hamlets were federated into communes, the communes into districts, and the districts into a league.

Lastly, with the case of Switzerland may be associated that of San Marino—a little republic which, seated in the Apennines, and having its centre on a cliff a thousand feet high, has retained its independence for fifteen centuries. Here 8,000 people are governed by a senate of 60 and by captains elected every half-year: assemblies of the whole people being called on important occasions. There is a standing army of 18; "taxation is reduced to a mere nothing;" and officials are paid by the honour of serving.

One noteworthy difference between the compound heads arising under physical conditions of the kinds exemplified, must not be overlooked—the difference between the oligarchic form and the popular form. As shown at the outset of this section, if each of the groups united by militant cooperation is despotically ruled—if the groups are severally framed on the patriarchal type, or are severally governed by men of supposed divine descent; then the compound head becomes one in which the people at large have no share. But if, as in these modern cases, patriarchal authority has decayed; or if belief in divine descent of rulers has been undermined by a creed at variance with it; or if peaceful habits have weakened that coercive authority which war ever strengthens; then the compound head is no longer an assembly of petty despots. With the progress of these changes it becomes more and more a head formed of those who exercise power not by right of position but by right of appointment.

§ 487. There are other conditions which favour the rise of compound heads, temporary if not permanent—those, namely, which occur at the dissolutions of preceding organizations. Among peoples habituated for ages to personal rule, having

sentiments appropriate to it, and no conception of anything else, the fall of one despot is at once followed by the rise of another; or, if a large personally-governed empire collapses, its parts severally generate governments for themselves of like kind. But among less servile peoples, the breaking up of political systems having single heads, is apt to be followed by the establishment of others having compound heads; especially where there is a simultaneous separation into parts which have not local governments of stable kinds. Under such circumstances there is a return to the primitive state. The pre-existing regulative system having fallen, the members of the community are left without any controlling power save the aggregate will; and political organization having to commence afresh, the form first assumed is akin to that which we see in the assembly of the savage horde, or in the modern public meeting. Whence there presently results the rule of a select few subject to the approval of the many.

In illustration may first be taken the rise of the Italian republics. When, during the ninth and tenth centuries, the German Emperors, who had long been losing their power to restrain local antagonisms in Italy and the outrages of wandering robber bands, failed more than ever to protect their subject communities, and, as a simultaneous result, exercised diminished control over them; it became at once necessary and practicable for the Italian towns to develop political organizations of their own. Though in these towns there were remnants of the old Roman organization, this had obviously become effete; for, in time of danger, there was an assembling of "citizens at the sound of a great bell, to concert together the means for their common defence." Doubtless on such occasions were marked out the rudiments of those republican constitutions which afterwards arose. Though it is alleged that the German Emperors allowed the towns to form these constitutions, yet we may reasonably conclude, rather, that having no care further than to get their tribute, they made no efforts to prevent the towns from

forming them. And though Sismondi says of the townspeople—"ils cherchèrent à se constituer sur le modèle de la republique romaine;" yet we may question whether, in those dark days, the people knew enough of Roman institutions to be influenced by their knowledge. With more probability may we infer that "this meeting of all the men of the state capable of bearing arms . . . in the great square," originally called to take measures for repelling aggressors—a meeting which must, at the very outset, have been swayed by a group of dominant citizens and must have chosen leaders, was itself the republican government in its incipient state. Meetings of this kind, first held on occasions of emergency, would gradually come into use for deciding all important public questions. Repetition would bring greater regularity in the modes of procedure, and greater definiteness in the divisions formed; ending in compound political heads, presided over by elected chiefs. And that this was the case in those early stages of which there remain but vague accounts, is shown by the fact that a similar, though somewhat more definite, process afterwards occurred at Florence, when the usurping nobles were overthrown. Records tell us that in 1250 "the citizens assembled at the same moment in the square of Santa Croce; they divided themselves into fifty groups, of which each group chose a captain, and thus formed companies of militia: a council of these officers was the first-born authority of this newly revived republic." Clearly, that sovereignty of the people which, for a time, characterized these small governments, would inevitably arise if the political form grew out of the original public meeting; while it would be unlikely to have arisen had the political form been artificially devised by a limited class.

That this interpretation harmonizes with the facts which modern times have furnished, scarcely needs pointing out. On an immensely larger scale and in ways variously modified, here by the slow collapse of an old *régime* and there by combination for war, the rise of the first French Republic and of

the American Republic have similarly shown us this tendency towards resumption of the primitive form of political organization, when a decayed or otherwise incapable government collapses. Obscured by complicating circumstances and special incidents as these transformations were, we may recognize in them the play of the same general causes.

§ 488. In the last chapter we saw that, as conditions determine, the first element of the tri-une political structure may be differentiated from the second in various degrees: beginning with the warrior-chief, slightly predominant over other warriors, and ending with the divine and absolute king widely distinguished from the select few next to him. By the foregoing examples we are shown that the second element is, as conditions determine, variously differentiated from the third: being at the one extreme qualitatively distinguished in a high degree and divided from it by an impassable barrier, and at the other extreme almost merged into it.

Here we are introduced to the truth next to be dealt with; that not only do conditions determine the various forms which compound heads assume, but that conditions determine the various changes they undergo. There are two leading kinds of such changes—those through which the compound head passes towards a less popular form, and those through which it passes towards a more popular form. We will glance at them in this order.

Progressive narrowing of the compound head is one of the concomitants of continued military activity. Setting out with the case of Sparta, the constitution of which in its early form differed but little from that which the *Iliad* shows us existed among the Homeric Greeks, we first see the tendency towards concentration of power, in the regulation, made a century after Lykurgus, that "in case the people decided crookedly, the senate with the kings should reverse their decisions;" and then we see that later, in consequence of the gravitation of property into fewer hands, "the number

of qualified citizens went on continually diminishing: " the implication being not only a relatively-increased power of the oligarchy, but, probably, a growing supremacy of the wealthier members within the oligarchy itself. Turning to the case of Rome, ever militant, we find that in course of time inequalities increased to the extent that the senate became " an order of lords, filling up its ranks by hereditary succession, and exercising collegiate misrule." Moreover, " out of the evil of oligarchy there emerged the still worse evil of usurpation of power by particular families." In the Italian Republics, again, perpetually at war one with another, there resulted a kindred narrowing of the governing body. The nobility, deserting their castles, began to direct " the municipal government of the cities, which consequently, during this period of the Republics, fell chiefly into the hands of the superior families." Then at a later stage, when industrial progress had generated wealthy commercial classes, these, competing with the nobles for power, and finally displacing them, repeated within their respective bodies this same process. The richer gilds deprived the poorer of their shares in the choice of the ruling agencies; the privileged class was continually diminished by disqualifying regulations; and newly risen families were excluded by those of long standing. So that, as Sismondi points out, those of the numerous Italian Republics which remained nominally such at the close of the fifteenth century, were, like " Sienna and Lucca, each governed by a single caste of citizens: . . . had no longer popular governments." A kindred result occurred among the Dutch. During the wars of the Flemish cities with the nobles and with one another, the relatively popular governments of the towns were narrowed. The greater gilds excluded the lesser from the ruling body; and their members, " clothed in the municipal purple . . . ruled with the power of an aristocracy . . . the local government was often an oligarchy, while the spirit of the burghers was peculiarly democratic." And with these illustrations may be joined that furnished by

those Swiss cantons which, physically characterized in ways less favourable than the others to personal independence, were at the same time given to wars, offensive as well as defensive. Berne, Lucerne, Fribourg, Soleure, acquired political constitutions in large measure oligarchic; and in "Berne, where the nobles had always been in the ascendant, the entire administration had fallen into the hands of a few families, with whom it had become hereditary."

We have next to note as a cause of progressive modification in compound heads, that, like simple heads, they are apt to be subordinated by their administrative agents. The earliest case to be named is one in which this effect is exemplified along with the last—the case of Sparta. Originally appointed by the kings to perform prescribed duties, the ephors first made the kings subordinate, and eventually subordinated the senate; so that they became substantially the rulers. From this we may pass to the instance supplied by Venice, where power, once exercised by the people, gradually lapsed into the hands of an executive body, the members of which, habitually re-elected, and at death replaced by their children, became an aristocracy, whence there eventually grew the council of ten, who were, like the Spartan ephors, "charged to guard the security of the state with a power higher than the law;" and who thus, "restrained by no rule," constituted the actual government. Through its many revolutions and changes of constitution, Florence exhibited like tendencies. The appointed administrators, now signoria, now priors, became able, during their terms of office, to effect their private ends even to the extent of suspending the constitution: getting the forced assent of the assembled people, who were surrounded by armed men. And then, eventually, the head executive agent, nominally re-elected from time to time but practically permanent, became, in the person of Cosmo de' Medici, the founder of an inherited headship.

But the liability of the compound political head to become subject to its civil agents, is far less than its liability to

become subject to its military agents. From the earliest times this liability has been exemplified and commented upon; and, familiar though it is, I must here illustrate and emphasize it, because it directly bears on one of the cardinal truths of political theory. Setting out with the Greeks, we observe that the tyrants, by whom oligarchies were so often overthrown, had armed forces at their disposal. Either the tyrant was "the executive magistrate, upon whom the oligarchy themselves had devolved important administrative powers;" or he was a demagogue, who pleaded the alleged interests of the community, "in order to surround" himself "with armed defenders:" soldiers being in either case the agents of his usurpation. And then, in Rome, we see the like done by the successful general. As Macchiavelli remarks—

"For the further abroad they [the generals] carried their arms, the more necessary such prolongations [of their commissions] appeared, and the more common they became; hence it arose, in the first place, that but a few of their Citizens could be employed in the command of armies, and consequently few were capable of acquiring any considerable degree of experience or reputation; and in the next, that when a Commander in chief was continued for a long time in that post, he had an opportunity of corrupting his army to such a degree that the Soldiers entirely threw off their obedience to the Senate, and acknowledged no authority but his. To this it was owing that Sylla and Marius found means to debauch their armies and make them fight against their country; and that Julius Cæsar was enabled to make himself absolute in Rome."

The Italian Republics, again, furnish many illustrations. By the beginning of the fourteenth century, those of Lombardy "all submitted themselves to the military power of some nobles to whom they had entrusted the command of their militias, and thus all lost their liberty." Later times and nearer regions yield instances. At home, Cromwell showed how the successful general tends to become autocrat. In the Netherlands the same thing was exemplified by the Van Arteveldes, father and son, and again by Maurice of Nassau: and, but for form's sake, it would be needless to name the case of Napoleon. It should be added that not only by command of armed forces is the military chief enabled to seize on

supreme power; but acquired popularity, especially in a militant nation, places him in a position which makes it relatively easy to do this. Neither their own experience nor the experiences of other nations throughout the past, prevented the French from lately making Marshal Macmahon executive head; and even the Americans, in more than once choosing General Grant for President, proved that, predominantly industrial though their society is, militant activity promptly caused an incipient change towards the militant type, of which an essential trait is the union of civil headship with military headship.

From the influences which narrow compound political headships, or change them into single ones, let us pass to the influences which widen them. The case of Athens is, of course, the first to be considered. To understand this we must remember that up to the time of Solon, democratic government did not exist in Greece. The only actual forms were the oligarchic and the despotic; and in those early days, before political speculation began, it is unlikely that there was recognized in theory, a social form entirely unknown in practice. We have, therefore, to exclude the notion that popular government arose in Athens under the guidance of any preconceived idea. As having the same implication should be added the fact that (Athens being governed by an oligarchy at the time) the Solonian legislation served but to qualify and broaden the oligarchy and remove crying injustices. In seeking the causes of change which worked through Solon, and also made practicable the re-organization he initiated, we shall find them to lie in the direct and indirect influences of trade. Grote comments on "the anxiety, both of Solon and of Drako, to enforce among their fellow-citizens industrious and self-maintaining habits:" a proof that, even before Solon's time, there was in Attica little or no reprobation of "sedentary industry, which in most other parts of Greece was regarded as comparatively dishonourable." Moreover, Solon was himself in early life a trader; and his

legislation " provided for traders and artizans a new home at Athens, giving the first encouragement to that numerous town-population, both in the city and in the Peiræus, which we find actually residing there in the succeeding century." The immigrants who flocked into Attica because of its greater security, Solon was anxious to turn rather to manufacturing industry than to cultivation of a soil naturally poor; and one result was " a departure from the primitive temper of Atticism, which tended both to cantonal residence and rural occupation; " while another result was to increase the number of people who stood outside those gentile and phratric divisions, which were concomitants of the patriarchal type and of personal rule. And then the constitutional changes made by Solon were in leading respects towards industrial organization. The introduction of a property-qualification for classes, instead of a birth-qualification, diminished the rigidity of the political form; since acquirement of wealth by industry, or otherwise, made possible an admission into the oligarchy, or among others of the privileged. By forbidding self-enslavement of the debtor, and by emancipating those who had been self-enslaved, his laws added largely to the enfranchised class as distinguished from the slave-class. Otherwise regarded, this change, leaving equitable contracts untouched, prevented those inequitable contracts under which, by a lien on himself, a man gave more than an equivalent for the sum he borrowed. And with a decreasing number of cases in which there existed the relation of master and slave, went an increasing number of cases in which benefits were exchanged under agreement. The odium attaching to that lending at interest which ended in slavery of the debtor, having disappeared, legitimate lending became general and unopposed; the rate of interest was free; and accumulated capital was made available. Then, as cooperating cause, and as ever-increasing consequence, came the growth of a population favourably circumstanced for acting in concert. Urban people who, daily in contact, gather one another's ideas and feelings, and who, by quickly-diffused

intelligence are rapidly assembled, can cooperate far more readily than people scattered through rural districts. With all which direct and indirect results of industrial development, must be joined the ultimate result on character, produced by daily fulfilling and enforcing contracts—a discipline which, while requiring each man to recognize the claims of others, also requires him to maintain his own. In Solon himself this attitude which joins assertion of personal rights with respect for the rights of others, was well exemplified; since, when his influence was great he refused to become a despot, though pressed to do so, and in his latter days he resisted at the risk of death the establishment of a despotism. In various ways, then, increasing industrial activity tended to widen the original oligarchic structure. And though these effects of industrialism, joined with subsequently-accumulated effects, were for a long time held in check by the usurping Peisistratidæ, yet, being ready to show themselves when, some time after the expulsion of these tyrants, there came the Kleisthenian revolution, they were doubtless instrumental in then initiating the popular form of government.

Though not in so great a degree, yet in some degree, the same causes operated in liberalizing the Roman oligarchy. Rome "was indebted for the commencement of its importance to international commerce;" and, as Mommsen points out, "the distinction between Rome and the mass of the other Latin towns, must certainly be traced back to its commercial position, and to the type of character produced by that position . . . Rome was the emporium of the Latin districts." Moreover, as in Athens, though doubtless to a smaller extent, trade brought an increasing settlement of strangers, to whom rights were given, and who, joined with emancipated slaves and with clients, formed an industrial population, the eventual inclusion of which in the burgess-body caused that widening of the constitution effected by Servius Tullius.

The Italian Republics of later days again show us, in numerous cases, this connexion between trading activities and a freer form of rule. The towns were industrial centres.

"The merchants of Genoa, Pisa, Florence, and Venice supplied Europe with the products of the Mediterranean and of the East: the bankers of Lombardy instructed the world in the mysteries of finance, and foreign exchanges: Italian artificers taught the workmen of other countries the highest skill in the manufacture of steel, iron, bronze, silk, glass, porcelain, and jewelry. Italian shops, with their dazzling array of luxuries, excited the admiration and envy of foreigners from less favoured lands."

Then, on looking into their histories, we find that industrial gilds were the bases of their political organizations; that the upper mercantile classes became the rulers, in some cases excluding the nobles; and that while external wars and internal feuds tended continually to revive narrower, or more personal, forms of rule, rebellions of the industrial citizens occasionally happening, tended to re-establish popular rule.

When we join with these the like general connexions that arose in the Netherlands and in the Hanse towns—when we remember the liberalization of our own political institutions which has gone along with growing industrialism—when we observe that the towns more than the country, and the great industrial centres more than the small ones, have given the impulses to these changes; it becomes unquestionable that while by increase of militant activities compound headships are narrower, they are widened in proportion as industrial activities become predominant.

§ 489. In common with the results reached in preceding chapters, the results above reached show that types of political organization are not matters of deliberate choice. It is common to speak of a society as though it had, once upon a time, decided on the form of government which thereafter existed in it. Even Mr. Grote, in his comparison between the institutions of ancient Greece and those of mediæval Europe (vol. iii. pp. 10—12), tacitly implies that conceptions of the

advantages or disadvantages of this or that arrangement, furnished motives for establishing or maintaining it. But, as gathered together in the foregoing sections, the facts show that as with the genesis of simple political heads, so with the genesis of compound political heads, conditions and not intentions determine.

Recognizing the truth that independence of character is a factor, but ascribing this independence of character to the continued existence of a race in a *habitat* which facilitates evasion of control, we saw that with such a nature so conditioned, cooperation in war causes the union on equal terms of groups whose heads are joined to form a directive council. And according as the component groups are governed more or less autocratically, the directive council is more or less oligarchic. We have seen that in localities differing so widely as do mountain regions, marshes or mud islands, and jungles, men of different races have developed political heads of this compound kind. And on observing that the localities, otherwise so unlike, are alike in being severally made up of parts difficult of access, we cannot question that to this is mainly due the governmental form under which their inhabitants unite.

Besides the compound heads which are thus indigenous in places favouring them, there are other compound heads which arise after the break-up of preceding political organizations. Especially apt are they so to arise where the people, not scattered through a wide district but concentrated in a town, can easily assemble bodily. Control of every kind having disappeared, it happens in such cases that the aggregate will has free play, and there establishes itself for a time that relatively-popular form with which all government begins; but, regularly or irregularly, a superior few become differentiated from the many; and of predominant men some one is made, directly or indirectly, most predominant.

Compound heads habitually become, in course of time, either narrower or wider. They are narrowed by militancy,

which tends ever to concentrate directive power in fewer hands, and, if continued, almost certainly changes them into simple heads. Conversely, they are widened by industrialism. This, by gathering together aliens detached from the restraints imposed by patriarchal, feudal, or other such organizations; by increasing the number of those to be coerced in comparison with the number of those who have to coerce them; by placing this larger number in conditions favouring concerted action; by substituting for daily-enforced obedience, the daily fulfilment of voluntary obligations and daily maintenance of claims; tends ever towards equalization of citizenship.

CHAPTER VIII.

CONSULTATIVE BODIES.

§ 490. Two parts of the primitive tri-une political structure have, in the last two chapters, been dealt with separately; or, to speak strictly, the first has been considered as independent of the second, and again, the second as independent of the first: incidentally noting its relations to the third. Here we have to treat of the two in combination. Instead of observing how from the chief, little above the rest, there is, under certain conditions, evolved the absolute ruler, entirely subordinating the select few and the many; and instead of observing how, under other conditions, the select few become an oligarchy tolerating no supreme man, and keeping the multitude in subjection; we have now to observe the cases in which there is established a cooperation between the first and the second.

After chieftainship has become settled, the chief continues to have sundry reasons for acting in concert with his head men. It is needful to conciliate them; it is needful to get their advice and willing assistance; and, in serious matters, it is desirable to divide responsibility with them. Hence the prevalence of consultative assemblies. In Samoa, "the chief of the village and the heads of families formed, and still form, the legislative body of the place." Among the Fulahs, "before undertaking anything important or declaring war, the king [of Rabbah] is obliged to summon a council of

Mallams and the principal people." Of the Mandingo states we read that "in all affairs of importance, the king calls an assembly of the principal men, or elders, by whose counsels he is directed." And such cases might be multiplied indefinitely.

That we may understand the essential nature of this institution, and that we may see why, as it evolves, it assumes the characters it does, we must once more go back to the beginning.

§ 491. Evidence coming from many peoples in all times, shows that the consultative body is, at the outset, nothing more than a council of war. It is in the open-air meeting of armed men, that the cluster of leaders is first seen performing that deliberative function in respect of military measures, which is subsequently extended to other measures. Long after its deliberations have become more general in their scope, there survive traces of this origin.

In Rome, where the king was above all things the general, and where the senators as the heads of clans, were, at the outset, war-chiefs, the burgesses were habitually, when called together, addressed as "spear-men:" there survived the title which was naturally given to them when they were present as listeners at war-councils. So during later days in Italy, when the small republics grew up. Describing the assembling of "citizens at the sound of a great bell, to concert together the means of their common defence," Sismondi says —"this meeting of all the men of the State capable of bearing arms, was called a Parliament." Concerning the gatherings of the Poles in early times we read:—"Such assemblies, before the establishment of a senate, and while the kings were limited in power, were of frequent occurrence, and . . . were attended by all who bore arms;" and at a later stage "the *comitia paludata*, which assembled during an interregnum, consisted of the whole body of nobles, who attended in the open plain, armed and equipped as if for battle." In Hungary,

too, up to the beginning of the sixteenth century, "les seigneurs à cheval et armés de pied en cap comme pour aller en guerre, se réunissaient dans le champ de courses de Rakos, près de Pesth, et là discutaient en plain air les affaires publiques." Again, "the supreme political council is the nation in arms," says Stubbs of the primitive Germans; and though, during the Merovingian period, the popular power declined, yet "under Chlodovech and his immediate successors, the People assembled in arms had a real participation in the resolutions of the king." Even now the custom of going weapon in hand, is maintained where the primitive political form remains. "To the present day," writes M. de Laveleye, "the inhabitants of the outer Rhodes of Appenzell come to the general assembly, one year at Hundwyl and the other at Trogen, each carrying in his hand an old sword or ancient rapier of the middle ages." Mr. Freeman, too, was witness to a like annual gathering in Uri, where those who joined to elect their chief magistrate, and to deliberate, came armed.

It may, indeed, be alleged that in early unsettled times, the carrying of weapons by each freeman was needful for personal safety; especially when a place of meeting far from his home had to be reached. But there is evidence that though this continued to be a cause for going prepared for fight, it was not by itself a sufficient cause. While we read of the ancient Scandinavians that "all freemen capable of bearing arms were admitted" to the national assembly, and that after his election from "among the descendants of the sacred stock," "the new sovereign was elevated amidst the clash of arms and the shouts of the multitude;" we also read that "nobody, not even the king or his champions, were allowed to come armed to the assizes."

Even apart from such evidence, there is ample reason to infer that the council of war originated the consultative body, and gave outlines to its structure. Defence against enemies was everywhere the need which first prompted joint deliberation. For other purposes individual action, or action in

small parties, might suffice; but for insuring the general safety, combined action of the whole horde or tribe was necessary; and to secure this combined action must have been the primary motive for a political gathering. Moreover, certain constitutional traits of early assemblies among the civilized, point to councils of war as having initiated them. If we ask what must happen when the predominant men of a tribe debate military measures in presence of the rest, the reply is that in the absence of a developed political organization, the assent of the rest to any decision must be obtained before it can be acted upon; and the like must at first happen when many tribes are united. As Gibbon says of the diet of the Tartars, formed of chiefs of tribes and their martial trains, "the monarch who reviews the strength, must consult the inclination, of an armed people." Even if, under such conditions, the ruling few could impose their will on the many, armed like themselves, it would be impolitic to do so; since success in war would be endangered by dissension. Hence would arise the usage of putting to the surrounding warriors, the question whether they agreed to the course which the council of chiefs had decided upon. There would grow up a form such as that which had become established for governmental purposes at large among the early Romans, whose king or general, asked the assembled burgesses or "spear-men," whether they approved of the proposal made; or like that ascribed by Tacitus to the primitive Germans, who, now with murmurs and now with brandishing of spears, rejected or accepted the suggestions of their leaders. Moreover, there would naturally come just that restricted expression of popular opinion which we are told of. The Roman burgesses were allowed to answer only "yes" or "no" to any question put to them; and this is exactly the simple answer which the chief and head warriors would require from the rest of the warriors when war or peace were the alternatives. A kindred restriction existed among the Spartans. In addition to the senate and co-ordinate kings, there was "an

Ekklesia or public assembly of citizens, convened for the purpose of approving or rejecting propositions submitted to them, with little or no liberty of discussion"—a usage quite explicable if we assume that in the Homeric agora, from which the Spartan constitution descended, the assembled chiefs had to gain the assent of their followers before important actions could be undertaken.

Concluding, then, that war originates political deliberation, and that the select body which especially carries on this deliberation first takes shape on occasions when the public safety has to be provided for, we shall be prepared the better to understand the traits which characterize the consultative body in later stages of its development.

§492. Already we have seen that at the outset the militant class was of necessity the land-owning class. In the savage tribe there are no owners of the tract occupied, save the warriors who use it in common for hunting. During pastoral life good regions for cattle-feeding are jointly held against intruders by force of arms. And where the agricultural stage has been reached, communal possession, family possession, and individual possession, have from time to time to be defended by the sword. Hence, as was shown, the fact that in early stages the bearing of arms and the holding of land habitually go together.

While, as among hunting peoples, land continues to be held in common, the contrasts which arise between the few and the many, are such only as result from actual or supposed personal superiority of one kind or other. It is true that, as pointed out, differences of wealth, in the shape of chattels, boats, slaves, &c., cause some class-differentiations; and that thus, even before private land-owning begins, quantity of possessions aids in distinguishing the governing from the governed. When the pastoral state is arrived at and the patriarchal type established, such ownership as there is vests in the eldest son of the eldest; or if, as Sir Henry Maine

says, he is to be considered as trustee for the group, still his trusteeship joins with his military headship in giving him supremacy. At a later stage, when lands come to be occupied by settled families and communities, and land-ownership gains definiteness, this union of traits in each head of a group becomes more marked; and, as was shown when treating of the differentiation of nobles from freemen, several influences conspire to give the eldest son of the eldest, superiority in extent of landed possessions, as well as in degree of power. Nor is this fundamental relation changed when a nobility of service replaces a nobility of birth, and when, as presently happens, the adherents of a conquering invader are rewarded by portions of the subjugated territory. Throughout, the tendency continues to be for the class of military superiors to be identical with the class of large landowners.

It follows, then, that beginning with the assemblage of armed freemen, all of them holding land individually or in groups, whose council of leaders, deliberating in presence of the rest, are distinguished only as being the most capable warriors, there will, through frequent wars and progressing consolidations, be produced a state in which this council of leaders becomes further distinguished by the greater estates, and consequent greater powers, of its members. Becoming more and more contrasted with the armed freemen at large, the consultative body will tend gradually to subordinate it, and, eventually separating itself, will acquire independence.

The growth of this temporary council of war in which the king, acting as general, summons to give their advice the leaders of his forces, into the permanent consultative body in which the king, in his capacity of ruler, presides over the deliberations of the same men on public affairs at large, is exemplified in various parts of the world. The consultative body is everywhere composed of minor chiefs, or heads of clans, or feudal lords, in whom the military and civil rule of local groups is habitually joined with wide possessions; and

the examples frequently exhibit this composition on both a small and a large scale—both locally and generally. A rude and early form of the arrangement is shown in Africa. We read of the Kaffirs that "every chief chooses from among his most wealthy subjects five or six, who act as counsellors to him. . . the great council of the king is composed of the chiefs of particular kraals." A Bechuana tribe "generally includes a number of towns or villages, each having its distinct head, under whom there are a number of subordinate chiefs," who "all acknowledge the supremacy of the principal one. His power, though very great and in some instances despotic, is nevertheless controlled by the minor chiefs, who in their *pichos* or *pitshos*, their parliament, or public meetings, use the greatest plainness of speech in exposing what they consider culpable or lax in his government." Of the Wanyamwezi, Burton says that the Sultan is "surrounded by a council varying from two to a score of chiefs and elders. . . His authority is circumscribed by a rude balance of power; the chiefs around him can probably bring as many warriors into the field as he can." Similarly in Ashantee. "The caboceers and captains . . . claim to be heard on all questions relating to war and foreign politics. Such matters are considered in a general assembly; and the king sometimes finds it prudent to yield to the views and urgent representations of the majority." From the ancient American states, too, instances may be cited. In Mexico "general assemblies were presided over by the king every eighty days. They came to these meetings from all parts of the country;" and then we read, further, that the highest rank of nobility, the Teuctli, "took precedence of all others in the senate, both in the order of sitting and voting:" showing what was the composition of the senate. It was so, too, with the Central Americans of Vera Paz. "Though the supreme rule was exercised by a king, there were inferior lords as his coadjutors, who mostly were titled lords and vassals; they formed the royal council . . . and joined the king in his

palace as often as they were called upon." Turning to Europe, mention may first be made of ancient Poland. Originally formed of independent tribes, "each governed by its own *kniaz*, or judge, whom age or reputed wisdom had raised to that dignity," and each led in war by a temporary *voivod* or captain, these tribes had, in the course of that compounding and re-compounding which wars produced, differentiated into classes of nobles and serfs, over whom was an elected king. Of the organization which existed before the king lost his power, we are told that—

"Though each of these palatines, bishops, and barons, could thus advise his sovereign, the formation of a regular senate was slow, and completed only when experience had proved its utility. At first, the only subjects on which the monarch deliberated with his barons related to war: what he originally granted through courtesy, or through diffidence in himself, or with a view to lessen his responsibility in case of failure, *they* eventually claimed as a right."

So, too, during internal wars and wars against Rome, the primitive Germanic tribes, once semi-nomadic and but slightly organized, passing through the stage in which armed chiefs and freemen periodically assembled for deliberations on war and other matters, evolved a kindred structure. In Carolingian days the great political gathering of the year was simultaneous with the great military levy; and the military element entered into the foreground. Armed service being the essential thing, and questions of peace and war being habitually dominant, it resulted that all freemen, while under obligation to attend, had also a right to be present at the assembly and to listen to the deliberations. And then concerning a later period, as Hallam writes—

"In all the German principalities a form of limited monarchy prevailed, reflecting, on a reduced scale, the general constitution of the Empire. As the Emperors shared their legislative sovereignty with the diet, so all the princes who belonged to that assembly had their own provincial states, composed of their feudal vassals and of their mediate towns within their territory."

In France, too, provincial estates existed for local rule; and there were consultative assemblies of general scope. Thus

an "ordinance of 1228, respecting the heretics of Languedoc, is rendered with the advice of our great men and prudhommes;" and one "of 1246, concerning levies and redemptions in Anjou and Maine," says that "having called around us, at Orleans, the barons and great men of the said counties, and having held attentive counsel with them," &c.

To meet the probable criticism that no notice has been taken of the ecclesiastics usually included in the consultative body, it is needful to point out that due recognition of them does not involve any essential change in the account above given. Though modern usages lead us to think of the priest-class as distinct from the warrior-class, yet it was not originally distinct. With the truth that habitually in militant societies, the king is at once commander-in-chief and high priest, carrying out in both capacities the dictates of his deity, we may join the truth that the subordinate priest is usually a direct or indirect aider of the wars thus supposed to be divinely prompted. In illustration of the one truth may be cited the fact that before going to war, Radama, king of Madagascar, "acting as priest as well as general, sacrificed a cock and a heifer, and offered a prayer at the tomb of Andria-Masina, his most renowned ancestor." And in illustration of the other truth may be cited the fact that among the Hebrews, whose priests accompanied the army to battle, we read of Samuel, a priest from childhood upwards, as conveying to Saul God's command to "smite Amalek," and as having himself hewed Agag in pieces. More or less active participation in war by priests we everywhere find in savage and semi-civilized societies; as among the Dakotas, Mundrucus, Abipones, Khonds, whose priests decide on the time for war, or give the signal for attack; as among the Tahitians, whose priests "bore arms, and marched with the warriors to battle;" as among the Mexicans, whose priests, the habitual instigators of wars, accompanied their idols in front of the army, and "sacrificed the first taken prisoners at once;" as among the ancient Egyptians, of whom we read that "the priest of a

god was often a military or naval commander." And the naturalness of the connexion thus common in rude and in ancient societies, is shown by its revival in later societies, notwithstanding an adverse creed. After Christianity had passed out of its early non-political stage into the stage in which it became a State-religion, its priests, during actively militant periods, re-acquired the primitive militant character. "By the middle of the eighth century [in France], regular military service on the part of the clergy was already fully developed." In the early feudal period, bishops, abbots, and priors, became feudal lords, with all the powers and responsibilities attaching to their positions. They had bodies of troops in their pay, took towns and fortresses, sustained sieges, led or sent troops in aid of kings. And Orderic, in 1094, describes the priests as leading their parishioners to battle, and the abbots their vassals. Though in recent times Church dignitaries do not actively participate in war, yet their advisatory function respecting it—often prompting rather than restraining—has not even now ceased; as among ourselves was lately shown in the vote of the bishops, who, with one exception, approved the invasion of Afghanistan.

That the consultative body habitually includes ecclesiastics, does not, therefore, conflict with the statement that, beginning as a war-council, it grows into a permanent assembly of minor military heads.

§ 493. Under a different form, there is here partially repeated what was set forth when treating of oligarchies: the difference arising from inclusion of the king as a co-operative factor. Moreover, much that was before said respecting the influence of war in narrowing oligarchies, applies to that narrowing of the primitive consultative assembly by which there is produced from it a body of land-owning military nobles. But the consolidation of small societies into large ones effected by war, brings other influences which join in working this result.

In early assemblies of men similarly armed, it must happen that though the inferior many will recognize that authority of the superior few which is due to their leaderships as warriors, to their clan-headships, or to their supposed supernatural descent; yet the superior few, conscious that they are no match for the inferior many in a physical contest, will be obliged to treat their opinions with some deference—will not be able completely to monopolize power. But as fast as there progresses that class-differentiation before described, and as fast as the superior few acquire better weapons than the inferior many, or, as among various ancient peoples, have war-chariots, or, as in mediæval Europe, wear coats of mail or plate armour and are mounted on horses, they, feeling their advantage, will pay less respect to the opinions of the many. And the habit of ignoring their opinions will be followed by the habit of regarding any expression of their opinions as an impertinence.

This usurpation will be furthered by the growth of those bodies of armed dependents with which the superior few surround themselves—mercenaries and others, who, while unconnected with the common freemen, are bound by fealty to their employers. These, too, with better weapons and defensive appliances than the mass, will be led to regard them with contempt and to aid in subordinating them.

Not only on the occasions of general assemblies, but from day to day in their respective localities, the increasing powers of the nobles thus caused, will tend to reduce the freemen more and more to the rank of dependents; and especially so where the military service of such nobles to their king is dispensed with or allowed to lapse, as happened in Denmark about the thirteenth century.

"The free peasantry, who were originally independent proprietors of the soil, and had an equal suffrage with the highest nobles in the land, were thus compelled to seek the protection of these powerful lords, and to come under vassalage to some neighbouring Herremand, or bishop, or convent. The provincial diets, or Lands-Ting, were gradually superseded by the general national parliament of the Dannehof Adel-Ting, or Herredag; the latter being exclusively composed of the princes, pre-

lates, and other great men of the kingdom. . . . As the influence of the peasantry had declined, whilst the burghers did not yet enjoy any share of political power, the constitution, although disjointed and fluctuating, was rapidly approaching the form it ultimately assumed; that of a feudal and sacerdotal oligarchy."

Another influence conducing to loss of power by the armed freemen, and gain of power by the armed chiefs who form the consultative body, follows that widening of the occupied area which goes along with the compounding and re-compounding of societies. As Richter remarks of the Merovingian period, "under Chlodovech and his immediate successors, the people assembled in arms had a real participation in the resolutions of the king. But, with the increasing size of the kingdom, the meeting of the entire people became impossible:" only those who lived near the appointed places could attend. Two facts, one already given under another head, may be named as illustrating this effect. "The greatest national council in Madagascar is an assembly of the people of the capital, and the heads of the provinces, districts, towns, villages," &c.; and, speaking of the English Witenagemot, Mr. Freeman says—"sometimes we find direct mention of the presence of large and popular classes of men, as the citizens of London or Winchester:" the implication in both cases being that all freemen had a right to attend, but that only those on the spot could avail themselves of the right. This cause for restriction, which is commented upon by Mr. Freeman, operates in several ways. When a kingdom has become large, the actual cost of a journey to the place fixed for the meeting, is too great to be borne by a man who owns but a few acres. Further, there is the indirect cost entailed by loss of time, which, to one who personally labours or superintends labour, is serious. Again, there is the danger which in turbulent times is considerable, save to those who go with bodies of armed retainers. And, obviously, these deterrent causes must tell where, for the above reasons, the incentives to attend have become small.

Yet one more cause co-operates. An assembly of all the

armed freemen included in a large society, could they be gathered, would be prevented from taking active part in the proceedings, both by its size and by its lack of organization. A multitude consisting of those who have come from scattered points over a wide country, mostly unknown to one another, unable to hold previous communication and therefore without plans, as well as without leaders, cannot cope with the relatively small but well-organized body of those having common ideas and acting in concert.

Nor should there be omitted the fact that when the causes above named have conspired to decrease the attendance of men in arms who live afar off, and when there grows up the usage of summoning the more important among them, it naturally happens that in course of time the receipt of a summons becomes the authority for attendance, and the absence of a summons becomes equivalent to the absence of a right to attend.

Here, then, are several influences, all directly or indirectly consequent upon war, which join in differentiating the consultative body from the mass of armed freemen out of which it arises.

§ 494. Given the ruler, and given the consultative body thus arising, there remains to ask—What are the causes of change in their relative powers? Always between these two authorities there must be a struggle—each trying to subordinate the other. Under what conditions, then, is the king enabled to over-ride the consultative body? and under what conditions is the consultative body enabled to over-ride the king?

A belief in the superhuman nature of the king gives him an immense advantage in the contest for supremacy. If he is god-descended, open opposition to his will by his advisers is out of the question; and members of his council, singly or in combination, dare do no more than tender humble advice. Moreover, if the line of succession is so settled that there

rarely or never occur occasions on which the king has to be elected by the chief men, so that they have no opportunity of choosing one who will conform to their wishes, they are further debarred from maintaining any authority. Hence, habitually, we do not find consultative bodies having an independent *status* in the despotically-governed countries of the East, ancient or modern. Though we read of the Egyptian king that "he appears to have been attended in war by the council of the thirty, composed apparently of privy councillors, scribes, and high officers of state," the implication is that the members of this council were functionaries, having such powers only as the king deputed to them. Similarly in Babylonia and Assyria, attendants and others who performed the duties of ministers and advisers to the god-descended rulers, did not form established assemblies for deliberative purposes. In ancient Persia, too, there was a like condition. The hereditary king, almost sacred and bearing extravagant titles, though subject to some check from princes and nobles or royal blood who were leaders of the army, and who tendered advice, was not under the restraint of a constituted body of them. Throughout the history of Japan down to our own time, a kindred state of things existed. The Daimios were required to reside in the capital during prescribed intervals, as a precaution against insubordination; but they were never, while there, called together to take any share in the government. So too is it in China. We are told that, "although there is nominally no deliberative or advisatory body in the Chinese government, and nothing really analogous to a congress, parliament, or tiers état, still necessity compels the emperor to consult and advise with some of his officers." Nor does Europe fail to yield us evidence of like meaning. I do not refer only to the case of Russia, but more especially to the case of France during the time when monarchy had assumed an absolute form. In the age when divines like Bossuet taught that "the king is accountable to no one . . . the whole state is in him, and the will

of the whole people is contained in his "—in the age when the king (Louis XIV.), "imbued with the idea of his omnipotence and divine mission," "was regarded by his subjects with adoration," he "had extinguished and absorbed even the minutest trace, idea, and recollection of all other authority except that which emanated from himself alone." Along with establishment of hereditary succession and acquirement of semi-divine character, such power of the other estates as existed in early days had disappeared.

Conversely, there are cases showing that where the king has never had, or does not preserve, the *prestige* of supposed descent from a god, and where he continues to be elective, the power of the consultative body is apt to over-ride the royal power, and eventually to suppress it. The first to be named is that of Rome. Originally "the king convoked the senate when he pleased, and laid before it his questions; no senator might declare his opinion unasked; still less might the senate meet without being summoned." But here, where the king, though regarded as having divine approval was not held to be of divine descent, and where, though usually nominated by a predecessor he was sometimes practically elected by the senate, and always submitted to the form of popular assent, the consultative body presently became supreme. "The senate had in course of time been converted from a corporation intended merely to advise the magistrates, into a board commanding the magistrates and self-governing." Afterwards "the right of nominating and cancelling senators originally belonging to the magistrates was withdrawn from them;" and finally, "the irremovable character and life-tenure of the members of the ruling order who obtained seat and vote, was definitely consolidated:" the oligarchic constitution became pronounced. The history of Poland yields another example. After unions of simply-governed tribes had produced small states, and generated a nobility; and after these small states had been united; there arose a kingship. At first elective, as kingships habitually are, this continued so

—never became hereditary. On the occasion of each election out of the royal clan, there was an opportunity of choosing for king one whose character the turbulent nobles thought fittest for their own purposes; and hence it resulted that the power of the kingship decayed. Eventually—

"Of the three orders into which the state was divided, the king, though his authority had been anciently despotic, was the least important. His dignity was unaccompanied with power; he was merely the president of the senate, and the chief judge of the republic."

And then there is an instance furnished by Scandinavia, already named in another relation. Danish, Norwegian, and Swedish kings were originally elective; and though, on sundry occasions, hereditary succession became for a time the usage, there were repeated lapses into the elective form, with the result that predominance was gained by the feudal chieftains and prelates forming the consultative body.

§495. The second element in the tri-une political structure is thus, like the first, developed by militancy. By this the ruler is eventually separated from all below him; and by this the superior few are gradually integrated into a deliberative body, separated from the inferior many.

That the council of war, formed of leading warriors who debate in presence of their followers, is the germ out of which the consultative body arises, is implied by the survival of usages which show that a political gathering is originally a gathering of armed men. In harmony with this implication are such facts as that after a comparatively settled state has been reached, the power of the assembled people is limited to accepting or rejecting the proposals made, and that the members of the consultative body, summoned by the ruler, who is also the general, give their opinions only when invited by him to do so.

Nor do we lack clues to the process by which the primitive war-council grows, consolidates, and separates itself. Within the warrior class, which is also the land-owning class, war

produces increasing differences of wealth as well as increasing differences of *status;* so that, along with the compounding and re-compounding of groups, brought about by war, the military leaders come to be distinguished as large land-owners and local rulers. Hence members of the consultative body become contrasted with the freemen at large, not only as leading warriors are contrasted with their followers, but still more as men of wealth and authority.

This increasing contrast between the second and third elements of the tri-une political structure, ends in separation when, in course of time, war consolidates large territories. Armed freemen scattered over a wide area are deterred from attending the periodic assemblies by cost of travel, by cost of time, by danger, and also by the experience that multitudes of men unprepared and unorganized, are helpless in presence of an organized few, better armed and mounted, and with bands of retainers. So that passing through a time during which only the armed freemen living near the place of meeting attend, there comes a time when even these, not being summoned, are considered as having no right to attend; and thus the consultative body becomes completely differentiated.

Changes in the relative powers of the ruler and the consultative body are determined by obvious causes. If the king retains or acquires the repute of supernatural descent or authority, and the law of hereditary succession is so settled as to exclude election, those who might else have formed a consultative body having co-ordinate power, become simply appointed advisers. But if the king has not the *prestige* of supposed sacred origin or commission, the consultative body retains power; and if the king continues to be elective, it is liable to become an oligarchy.

Of course it is not alleged that all consultative bodies have been generated in the way described, or are constituted in like manner. Societies broken up by wars or dissolved by revolutions, may preserve so little of their primitive organizations that there remain no classes of the kinds out of which

such consultative bodies as those described arise. Or, as we see in our own colonies, societies may have been formed in ways which have not fostered classes of land-owning militant chiefs, and therefore do not furnish the elements out of which consultative bodies, in their primitive shapes, are composed. Under conditions of these kinds the assemblies answering to them, so far as may be, in position and function, arise under the influence of tradition or example; and in default of men of the original kind are formed of others—generally, however, of those who by position, seniority, or previous official experience, are more eminent than those forming popular assemblies. It is only to what may be called normal consultative bodies which grow up during that compounding and recompounding of small societies into larger ones which war effects, that the foregoing account applies; and the senates, or superior chambers, which come into existence under later and more complex conditions, may be considered as homologous to them in function and composition so far only as the new conditions permit.

CHAPTER IX.

REPRESENTATIVE BODIES.

§ 496. Amid the varieties and complexities of political organization, it has proved not impossible to discern the ways in which simple political heads and compound political heads are evolved; and how, under certain conditions, the two become united as ruler and consultative body. But to see how a representative body arises, proves to be more difficult; for both process and product are more variable. Less specific results must content us.

As hitherto, so again, we must go back to the beginning to take up the clue. Out of that earliest stage of the savage horde in which there is no supremacy beyond that of the man whose strength, or courage, or cunning, gives him predominance, the first step is to the practice of election—deliberate choice of a leader in war. About the conducting of elections in rude tribes, travellers say little: probably the methods used are various. But we have accounts of elections as they were made by European peoples during early times. In ancient Scandinavia, the chief of a province chosen by the assembled people, was thereupon "elevated amidst the clash of arms and the shouts of the multitude;" and among the ancient Germans he was raised on a shield, as also was the popularly-approved Merovingian king. Recalling, as this ceremony does, the chairing of a newly-elected member of parliament up to recent times; and reminding us that originally an election was by show of hands; we are taught that the choice of a representative was once identical with the

choice of a chief. Our House of Commons had its roots in local gatherings like those in which uncivilized tribes select head warriors.

Besides conscious selection there occurs among rude peoples selection by lot. The Samoans, for instance, by spinning a cocoa-nut, which, on coming to rest, points to one of the surrounding persons, thereby single him out. Early historic races supply illustrations; as the Hebrews in the affair of Saul and Jonathan, and as the Homeric Greeks when fixing on a champion to fight with Hector. In both these last cases there was belief in supernatural interference: the lot was supposed to be divinely determined. And probably at the outset, choice by lot for political purposes among the Athenians, and for military purposes among the Romans, as also in later times the use of the lot for choosing deputies in some of the Italian republics, and in Spain (as in Leon during the twelfth century) was influenced by a kindred belief; though doubtless the desire to give equal chances to rich and poor, or else to assign without dispute a mission which was onerous or dangerous, entered into the motive or was even predominant. Here, however, the fact to be noted is that this mode of choice which plays a part in representation, may also be traced back to the usages of primitive peoples.

So, too, we find foreshadowed the process of delegation. Groups of men who open negociations, or who make their submission, or who send tribute, habitually appoint certain of their number to act for them. The method is, indeed, necessitated; since a tribe cannot well perform such actions bodily. Whence, too, it appears that the sending of representatives is, at the first stage, originated by causes like those which re-originate it at a later stage. For as the will of the tribe, readily displayed in its assemblies to its own members, cannot be thus displayed to other tribes, but must, in respect of inter-tribal matters be communicated by deputy; so in a large nation, the people of each locality, able to govern themselves locally, but unable to join the peoples of remote

localities in deliberations which concern them all, have to send one or more persons to express their will. Distance in both cases changes direct utterance of the popular voice into indirect utterance.

Before observing the conditions under which this singling out of individuals in one or other way for specified duties, comes to be used in the formation of a representative body, we must exclude classes of cases not relevant to our present inquiry. Though representation as ordinarily conceived, and as here to be dealt with, is associated with a popular form of government, yet the connexion between them is not a necessary one. In some places and times representation has coexisted with entire exclusion of the masses from power. In Poland, both before and after the so-called republican form was assumed, the central diet, in addition to senators nominated by the king, was composed of nobles elected in provincial assemblies of nobles: the people at large being powerless and mostly serfs. In Hungary, too, up to recent times, the privileged class which, even after it had been greatly enlarged reached only "one-twentieth of the adult males," alone formed the basis of representation. "A Hungarian county before the reforms of 1848 might be called a *direct* aristocratical republic:" all members of the noble class having a right to attend the local assembly and vote in appointing a representative noble to the general diet; but members of the inferior classes having no shares in the government.

Other representative bodies than those of an exclusively aristocratic kind, must be named as not falling within the scope of this chapter. As Duruy remarks—"Antiquity was not as ignorant as is supposed of the representative system. . . . Each Roman province had its general assemblies. . . . Thus the Lycians possessed a true legislative body formed by the deputies of their twenty-three towns." "This assembly had even executive functions." And Gaul, Spain, all the eastern provinces, and Greece, had like assem-

blies. But, little as is known of them, the inference is tolerably safe that these were but distantly allied in genesis and position to the bodies we now distinguish as representative. Nor are we concerned with those senates and councils elected by different divisions of a town-population (such as were variously formed in the Italian republics) which served simply as agents whose doings were subject to the directly-expressed approval or disapproval of the assembled citizens. Here we must limit ourselves to that kind of representative body which arises in communities occupying areas so large that their members are obliged to exercise by deputy such powers as they possess; and, further, we have to deal exclusively with cases in which the assembled deputies do not replace pre-existing political agencies but cooperate with them.

It will be well to set out by observing, more distinctly than we have hitherto done, what part of the primitive political structure it is from which the representative body as thus conceived, originates.

§ 497. Broadly, this question is tacitly answered by the contents of preceding chapters. For if, on occasions of public deliberation, the primitive horde spontaneously divides into the inferior many and the superior few, among whom some one is most influential; and if, in the course of that compounding and re-compounding of groups which war brings about, the recognized war-chief develops into the king, while the superior few become the consultative body formed of minor military leaders; it follows that any third co-ordinate political power must be either the mass of the inferior itself, or else some agency acting on its behalf. Truism though this may be called, it is needful here to set it down; since, before inquiring under what circumstances the growth of a representative system follows the growth of popular power, we have to recognize the relation between the two.

The undistinguished mass, retaining a latent supremacy in

simple societies not yet politically organized, though it is brought under restraint as fast as war establishes obedience, and conquests produce class-differentiations, tends, when occasion permits, to re-assert itself. The sentiments and beliefs, organized and transmitted, which, during certain stages of social evolution, lead the many to submit to the few, come, under some circumstances, to be traversed by other sentiments and beliefs. Passing references have been in several places made to these. Here we must consider them *seriatim* and more at length.

One factor in the development of the patriarchal group during the pastoral stage, was shown to be the fostering of subordination to its head by war; since, continually, there survived the groups in which subordination was greatest. But if so, the implication is that, conversely, cessation of war tends to diminish subordination. Members of the compound family, originally living together and fighting together, become less strongly bound in proportion as they have less frequently to cooperate for joint defence under their head. Hence, the more peaceful the state the more independent become the multiplying divisions forming the gens, the phratry, and the tribe. With progress of industrial life arises greater freedom of action—especially among the distantly-related members of the group.

So must it be, too, in a feudally-governed assemblage. While standing quarrels with neighbours are ever leading to local battles—while bodies of men-at-arms are kept ready, and vassals are from time to time summoned to fight—while, as a concomitant of military service, acts of homage are insisted upon; there is maintained a regimental subjection running through the group. But as fast as aggressions and counter-aggressions become less frequent, the carrying of arms becomes less needful; there is less occasion for periodic expressions of fealty; and there is an increase of daily actions performed without direction of a superior, whence a fostering of individuality of character.

These changes are furthered by the decline of superstitious beliefs concerning the natures of head men, general and local. As before shown, the ascription of superhuman origin, or supernatural power, to the king, greatly strengthens his hands; and where the chiefs of component groups have a sacredness due to nearness in blood to the semi-divine ancestor worshipped by all, or are members of an invading, god-descended race, their authority over dependents is largely enforced. By implication then, whatever undermines ancestor-worship, and the system of beliefs accompanying it, favours the growth of popular power. Doubtless the spread of Christianity over Europe, by diminishing the *prestige* of governors, major and minor, prepared the way for greater independence of the governed.

These causes have relatively small effects where the people are scattered. In rural districts the authority of political superiors is weakened with comparative slowness. Even after peace has become habitual, and local heads have lost their semi-sacred characters, there cling to them awe-inspiring traditions: they are not of ordinary flesh and blood. Wealth which, through long ages, distinguishes the nobleman exclusively, gives him both actual power and the power arising from display. Fixed literally or practically, as the several grades of his inferiors are during days when locomotion is difficult, he long remains for them the solitary sample of a great man. Others are only known by hearsay; he is known by experience. Inspection is easily maintained by him over dependent and sub-dependent people; and the disrespectful or rebellious, if they cannot be punished overtly, can be deprived of occupation, or otherwise so hindered in their lives that they must submit or migrate. Down to our own day, the behaviour of peasants and farmers to the squire, is suggestive of the strong restraints which kept rural populations in semi-servile states after primitive controlling influences had died away.

Converse effects may be expected under converse condi-

tions; namely, where large numbers become closely aggregated. Even if such large numbers are formed of groups severally subordinate to heads of clans, or to feudal lords, sundry influences combine to diminish subordination. When there are present in the same place many superiors to whom respectively their dependents owe obedience, these superiors tend to dwarf one another. The power of no one is so imposing if there are daily seen others who make like displays. Further, when groups of dependents are mingled, supervision cannot be so well maintained by their heads. And this which hinders the exercise of control, facilitates combination among those to be controlled: conspiracy is made easier and detection of it more difficult. Again, jealous of one another, as these heads of clustered groups are likely in such circumstances to be, they are prompted severally to strengthen themselves; and to this end, competing for popularity, are tempted to relax the restraints over their inferiors and to give protection to inferiors ill-used by other heads. Still more are their powers undermined when the assemblage includes many aliens. As before implied, this above all causes favours the growth of popular power. In proportion as immigrants, detached from the gentile or feudal divisions they severally belong to, become numerous, they weaken the structures of the divisions among which they live. Such organization as these strangers fall into is certain to be a looser one; and their influence acts as a dissolvent to the surrounding organizations.

And here we are brought back to the truth which cannot be too much insisted upon, that growth of popular power is in all ways associated with trading activities. For only by trading activities can many people be brought to live in close contact. Physical necessities maintain the wide dispersion of a rural population; while physical necessities impel the gathering together of those who are commercially occupied. Evidence from various countries and times shows that periodic gatherings for religious rites, or other public purposes, furnish

opportunities for buying and selling, which are habitually utilized; and this connexion between the assembling of many people and the exchanging of commodities, which first shows itself at intervals, becomes a permanent connexion where many people become permanently assembled—where a town grows up in the neighbourhood of a temple, or around a stronghold, or in a place favoured by local circumstances for some manufacture.

Industrial development further aids popular emancipation by generating an order of men whose power, derived from their wealth, competes with, and begins in some cases to exceed, the power of those who previously were alone wealthy —the men of rank. While this initiates a conflict which diminishes the influence previously exercised by patriarchal or feudal heads only, it also initiates a milder form of subordination. Rising, as the rich trader habitually does in early times, from the non-privileged class, the relation between him and those under him is one from which there is excluded the idea of personal subjection. In proportion as the industrial activities grow predominant, they make familiar a connexion between employer and employed which differs from the relation between master and slave, or lord and vassal, by not including allegiance. Under earlier conditions there does not exist the idea of detached individual life—life which neither receives protection from a clan-head or feudal superior, nor is carried on in obedience to him. But in town populations, made up largely of refugees, who either become small traders or are employed by great ones, the experience of a relatively-independent life becomes common, and the conception of it clear.

And the form of cooperation distinctive of the industrial state thus arising, fosters the feelings and thoughts appropriate to popular power. In daily usage there is a balancing of claims; and the idea of equity is, generation after generation, made more definite. The relations between employer and employed, and between buyer and seller, can be main-

tained only on condition that the obligations on either side are fulfilled. Where they are not fulfilled the relation lapses, and leaves outstanding those relations in which they are fulfilled. Commercial success and growth have thus, as their inevitable concomitants, the maintenance of the respective rights of those concerned, and a strengthening consciousness of them.

In brief, then, dissolving in various ways the old relation of *status*, and substituting the new relation of contract (to use Sir Henry Maine's antithesis), progressing industrialism brings together masses of people who by their circumstances are enabled, and by their discipline prompted, to modify the political organization which militancy has bequeathed.

§ 498. It is common to speak of free forms of government as having been initiated by happy accidents. Antagonisms between different powers in the State, or different factions, have caused one or other of them to bid for popular support, with the result of increasing popular power. The king's jealousy of the aristocracy has induced him to enlist the sympathies of the people (sometimes serfs but more frequently citizens) and therefore to favour them; or, otherwise, the people have profited by alliance with the aristocracy in resisting royal tyrannies and exactions. Doubtless, the facts admit of being thus presented. With conflict there habitually goes the desire for allies; and throughout mediæval Europe while the struggles between monarchs and barons were chronic, the support of the towns was important. Germany, France, Spain, Hungary, furnish illustrations.

But it is an error to regard occurrences of these kinds as causes of popular power. They are to be regarded rather as the conditions under which the causes take effect. These incidental weakenings of pre-existing institutions, do but furnish opportunities for the action of the pent-up force which is ready to work political changes. Three factors in this force may be distinguished:—the relative mass of those com-

posing the industrial communities as distinguished from those embodied in the older forms of organization; the permanent sentiments and ideas produced in them by their mode of life; and the temporary emotions roused by special acts of oppression or by distress. Let us observe the cooperation of these.

Two instances, occurring first in order of time, are furnished by the Athenian democracy. The condition which preceded the Solonian legislation, was one of violent dissension among political factions; and there was also "a general mutiny of the poorer population against the rich, resulting from misery combined with oppression." The more extensive diffusion of power effected by the revolution which Kleisthenes brought about, occurred under kindred circumstances. The relatively-detached population of immigrant traders, had so greatly increased between the time of Solon and that of Kleisthenes, that the four original tribes forming the population of Attica had to be replaced by ten. And then this augmented mass, largely composed of men not under clan-discipline, and therefore less easily restrained by the ruling classes, forced itself into predominance at a time when the ruling classes were divided. Though it is said that Kleisthenes "being vanquished in a party contest with his rival, took the people into partnership"—though the change is represented as being one thus personally initiated; yet in the absence of that voluminous popular will which had long been growing, the political re-organization could not have been made, or, if made, could not have been maintained. The remark which Grote quotes from Aristotle, "that seditions are generated by great causes but out of small incidents," if altered slightly by writing "political changes" instead of "seditions," fully applies. For clearly, once having been enabled to assert itself, this popular power could not be forthwith excluded. Kleisthenes could not under such circumstances have imposed on so large a mass of men arrangements at variance with their wishes. Practically, therefore, it was the

growing industrial power which then produced, and thereafter preserved, the democratic organization. Turning to Italy, we first note that the establishment of the small republics, referred to in a preceding chapter as having been simultaneous with the decay of imperial power, may here be again referred to more specifically as having been simultaneous with that conflict of authorities which caused this decay. Says Sismondi, "the war of investitures gave wing to this universal spirit of liberty and patriotism in all the municipalities of Lombardy, of Piedmont, Venetia, Romagna, and Tuscany." In other words, while the struggle between Emperor and Pope absorbed the strength of both, it became possible for the people to assert themselves. And at a later time, Florence furnished an instance similar in nature if somewhat different in form.

"At the moment when 'Florence expelled the Medici, that republic was bandied between three different parties.'. Savonarola took advantage of this state of affairs to urge that the people should reserve their power to themselves, and exercise it by a council. His proposition was agreed to, and this 'council was declared sovereign.'"

In the case of Spain, again, popular power increased during the troubles accompanying the minority of Fernando IV.; and of the periodic assemblies subsequently formed by deputies from certain towns (which met without authority of the Government) we read that—

"The desire of the Government to frustrate the aspiring schemes of the Infantes de la Cerda, and their numerous adherents, made the attachment of these assemblies indispensable. The disputes during the minority of Alfonso XI. more than ever favoured the pretensions of the third estate. Each of the candidates for the regency paid assiduous court to the municipal authorities, in the hope of obtaining the necessary suffrages."

And how all this was consequent on industrial development, appears in the facts that many, if not most, of these associated towns, had arisen during a preceding age by the re-colonization of regions desolated during the prolonged contests of Moors and Christians; and that these "poblaciones," or communities of colonists, which, scattered over these vast tracts

grew into prosperous towns, had been formed of serfs and artizans to whom various privileges, including those of self-government, were given by royal charter. With which examples must be joined the example familiar to all. For in England it was during the struggle between king and barons, when the factions were nearly balanced, and when the town-populations had been by trade so far increased that their aid was important, that they came to play a noticeable part, first as allies in war and afterwards as sharers in government. It cannot be doubted that when summoning to the parliament of 1265, not only knights of the shire but also deputies from cities and boroughs, Simon of Montfort was prompted by the desire to strengthen himself against the royal party supported by the Pope. And whether he sought thus to increase his adherents, or to obtain larger pecuniary means, or both, the implication equally is that the urban populations had become a relatively-important part of the nation. This interpetation harmonizes with subsequent events. For though the representation of towns afterwards lapsed, yet it shortly revived, and in 1295 became established. As Hume remarks, such an institution could not "have attained to so vigorous a growth and have flourished in the midst of such tempests and convulsions," unless it had been one, "for which the general state of things had already prepared the nation:" the truth here to be added being that this "general state of things" was the augmented mass, and hence augmented influence, of the free industrial communities.

Confirmation is supplied by cases showing that power gained by the people during times when the regal and aristocratic powers are diminished by dissension, is lost again if, while the old organization recovers its stability and activity, industrial growth does not make proportionate progress. Spain, or more strictly Castile, yields an example. Such share in government as was acquired by those industrial communities which grew up during the colonization of the waste lands, became, in the space of a few reigns characterized

by successful wars and resulting consolidations, scarcely more than nominal.

§ 499. It is instructive to note how that primary incentive to cooperation which initiates social union at large, continues afterwards to initiate special unions within the general union. For just as external militancy sets up and carries on the organization of the whole, so does internal militancy set up and carry on the organization of the parts; even when those parts, industrial in their activities, are intrinsically non-militant. On looking into their histories we find that the increasing clusters of people who, forming towns, lead lives essentially distinguished by continuous exchange of services under agreement, develop their governmental structures during their chronic antagonisms with the surrounding militant clusters.

We see, first, that these settlements of traders, growing important and obtaining royal charters, were by doing this placed in quasi-militant positions—became in modified ways holders of fiefs from their king, and had the associated responsibilities. Habitually they paid dues of sundry kinds equivalent in general nature to those paid by feudal tenants; and, like them, they were liable to military service. In Spanish chartered towns "this was absolutely due from every inhabitant;" and "every man of a certain property was bound to serve on horseback or pay a fixed sum." In France "in the charters of incorporation which towns received, the number of troops required was usually expressed." And in the chartered royal burghs of Scotland "every burgess was a direct vassal of the crown."

Next observe that industrial towns (usually formed by coalescence of pre-existing rural divisions rendered populous because local circumstances favoured some form of trade, and presently becoming places of hiding for fugitives, and of security for escaped serfs) began to stand toward the small feudally-governed groups around them, in relations like those

in which these stood to one another: competing with them for adherents, and often fortifying themselves. Sometimes, too, as in France in the 13th century, towns became suzerains, while communes had the right of war in numerous cases; and in England in early days the maritime towns carried on wars with one another.

Again there is the fact that these cities and boroughs, which by royal charter or otherwise had acquired powers of administering their own affairs, habitually formed within themselves combinations for protective purposes. In England, in Spain, in France, in Germany (sometimes with assent of the king, sometimes notwithstanding his reluctance as in England, sometimes in defiance of him, as in ancient Holland) there rose up gilds, which, having their roots in the natural unions among related persons, presently gave origin to frith-gilds and merchant-gilds; and these, defensive in their relations to one another, formed the bases of that municipal organization which carried on the general defence against aggressing nobles.

Once more, in countries where the antagonisms between these industrial communities and the surrounding militant communities were violent and chronic, the industrial communities combined to defend themselves. In Spain the "poblaciones," which when they flourished and grew into large places were invaded and robbed by adjacent feudal lords, formed leagues for mutual protection; and at a later date there arose, under like needs, more extensive confederations of cities and towns, which, under severe penalties for non-fulfilment of the obligations, bound themselves to aid one another in resisting aggressions, whether by king or nobles. In Germany, too, we have the perpetual alliance entered into by sixty towns on the Rhine in 1255, when, during the troubles that followed the deposition of the Emperor Frederic II., the tyranny of the nobles had become insupportable. And we have the kindred unions formed under like incentives in Holland and in France. So that,

both in small and in large ways, the industrial groups here and there growing up within a nation, are, in many cases, forced by local antagonisms partially to assume activities and structures like those which the nation as a whole is forced to assume in its antagonisms with nations around.

Here the implication chiefly concerning us is that if industrialism is thus checked by a return to militancy, the growth of popular power is arrested. Especially where, as happened in the Italian republics, defensive war passes into offensive war, and there grows up an ambition to conquer other territories and towns, the free form of government proper to industrial life, becomes qualified by, if it does not revert to, the coercive form accompanying militant life. Or where, as happened in Spain, the feuds between towns and nobles continue through long periods, the rise of free institutions is arrested; since, under such conditions, there can be neither that commercial prosperity which produces large urban populations, nor a cultivation of the associated mental nature. Whence it may be inferred that the growth of popular power accompanying industrial growth in England, was largely due to the comparatively small amount of this warfare between the industrial groups and the feudal groups around them. The effects of the trading life were less interfered with; and the local governing centres, urban and rural, were not prevented from uniting to restrain the general centre.

§ 500. And now let us consider more specifically how the governmental influence of the people is acquired. By the histories of organizations of whatever kind, we are shown that the purpose originally subserved by some arrangement is not always the purpose eventually subserved. It is so here. Assent to obligations rather than assertion of rights has ordinarily initiated the increase of popular power. Even the transformation effected by the revolution of Kleisthenes at Athens, took the form of a re-distribution of tribes and demes for purposes of taxation and military service. In Rome, too,

that enlargement of the oligarchy which occurred under Servius Tullius, had for its ostensible motive the imposing on plebeians of obligations which up to that time had been borne exclusively by patricians. But we shall best understand this primitive relation between duty and power, in which the duty is original and the power derived, by going back once more to the beginning.

For when we remember that the primitive political assembly is essentially a war-council, formed of leaders who debate in presence of their followers; and when we remember that in early stages all free adult males, being warriors, are called on to join in defensive or offensive actions; we see that, originally, the attendance of the armed freemen is in pursuance of the military service to which they are bound, and that such power as, when thus assembled, they exercise, is incidental. Later stages yield clear proofs that this is the normal order; for it recurs where, after a political dissolution, political organization begins *de novo*. Instance the Italian cities, in which, as we have seen, the original "parliaments," summoned for defence by the tocsin, included all the men capable of bearing arms: the obligation to fight coming first, and the right to vote coming second. And, naturally, this duty of attendance survives when the primitive assemblage assumes other functions than those of a militant kind; as witness the before-named fact that among the Scandinavians it was "disreputable for freemen not to attend" the annual assembly; and the further facts that in France the obligation to be present at the hundred-court in the Merovingian period, rested upon all full freemen; that in the Carolingian period "non-attendance is punished by fines"; that in England the lower freemen, as well as others, were "bound to attend the shire-moot and hundred-moot" under penalty of "large fines for neglect of duty;" and that in the thirteenth century in Holland, when the burghers were assembled for public purposes, "anyone ringing the town bell, except by general consent, and anyone not appearing when it tolls, are liable to a fine."

After recognizing this primitive relation between popular duty and popular power, we shall more clearly understand the relation as it re-appears when popular power begins to revive along with the growth of industrialism. For here, again, the fact meets us that the obligation is primary and the power secondary. It is mainly as furnishing aid to the ruler, generally for war purposes, that the deputies from towns begin to share in public affairs. There recurs under a complex form, that which at an early stage we see in a simple form. Let us pause a moment to observe the transition.

As was shown when treating of Ceremonial Institutions, the revenues of rulers are derived, at first wholly and afterwards partially, from presents. The occasions on which assemblies are called together to discuss public affairs (mainly military operations for which supplies are needed) naturally become the occasions on which the expected gifts are offered and received. When by successful wars the militant king consolidates small societies into a large one—when there comes an "increase of royal power in intension as the kingdom increases in extension" (to quote the luminous expression of Prof. Stubbs); and when, as a consequence, the quasi-voluntary gifts become more and more compulsory, though still retaining such names as *donum* and *auxilium;* it generally happens that these exactions, passing a bearable limit, lead to resistance: at first passive and in extreme cases active. If by consequent disturbances the royal power is much weakened, the restoration of order, if it takes place, is likely to take place on the understanding that, with such modifications as may be needful, the primitive system of voluntary gifts shall be re-established. Thus, when in Spain the death of Sancho I. was followed by political dissensions, the deputies from thirty-two places, who assembled at Valladolid, decided that demands made by the king beyond the customary dues should be answered by death of the messenger; and the need for gaining the adhesion of the towns during the conflict with a pretender, led to an apparent toleration of this attitude. Simi-

larly in the next century, during disputes as to the regency while Alphonso XI. was a minor, the cortes at Burgos demanded that the towns should "contribute nothing beyond what was prescribed in" their charters. Kindred causes wrought kindred results in France; as when, by an insurrectionary league, Louis Hutin was obliged to grant charters to the nobles and burgesses of Picardy and of Normandy, renouncing the right of imposing undue exactions; and as when, on sundry occasions, the States-general were assembled for the purpose of reconciling the nation to imposts levied to carry on wars. Nor must its familiarity cause us to omit the instance furnished by our own history, when, after preliminary steps towards that end at St. Alban's and St. Edmund's, nobles and people at Runnymede effectually restrained the king from various tyrannies, and, among others, from that of imposing taxes, without the consent of his subjects.

And now what followed from arrangements which, with modifications due to local conditions, were arrived at in several countries under similar circumstances? Evidently when the king, hindered from enforcing unauthorized demands, had to obtain supplies by asking his subjects, or the more powerful of them, his motive for summoning them, or their representatives, became primarily that of getting these supplies. The predominance of this motive for calling together national assemblies, may be inferred from its predominance previously shown in connexion with local assemblies; as instance a writ of Henry I. concerning shire-moots, in which, professing to restore ancient custom, he says—"I will cause those courts to be summoned when I will for my own sovereign necessity, at my pleasure." To vote money is therefore the primary purpose for which chief men and representatives are assembled.

§ 501. From the ability to prescribe conditions under which money will be voted, grows the ability, and finally the right,

to join in legislation. This connexion is vaguely typified in early stages of social evolution. Making gifts and getting redress go together from the beginning. As was said of Gulab Singh, when treating of presents—"even in a crowd one could catch his eye by holding up a rupee and crying out, 'Maharajah, a petition.' He would pounce down like a hawk on the money, and, having appropriated it, would patiently hear out the petitioner."* I have in the same place given further examples of this relation between yielding support to the governing agency, and demanding protection from it; and the examples there given may be enforced by such others as that, among ourselves in early days, "the king's court itself, though the supreme judicature of the kingdom, was open to none that brought not presents to the king," and that, as shown by the exchequer rolls, every remedy for a grievance or security against aggression had to be paid for by a bribe: a state of things which, as Hume remarks, was paralleled on the Continent.

Such being the original connexion between support of the political head and protection by the political head, the interpretation of the actions of parliamentary bodies, when they arise, becomes clear. Just as in rude assemblies of king, military chiefs, and armed freemen, preserving in large measure the primitive form, as those in France during the Merovingian period, the presentation of gifts went along with the transaction of public business, judicial as well as military—just as in our own ancient shire-moot, local government, including the administration of justice, was accompanied by the furnishing of ships and the payment of "a composition for the feorm-fultum, or sustentation of the king;" so when, after successful resistance to excess of royal power, there came

* Reference to the passage since made shows not only this initial relation, but still more instructively shows that at the very beginning there arises the question whether protection shall come first and payment afterwards, or payment first and protection afterwards. For the passage continues: "Once a man after this fashion making a complaint, when the Maharajah was taking the rupee, closed his hand on it, and said, 'No, first hear what I have to say.'"

assemblies of nobles and representatives summoned by the king, there re-appeared, on a higher platform, these simultaneous demands for money on the one side and for justice on the other. We may assume it as certain that within an average humanity, the conflicting egoisms of those concerned will be the main factors; and that on each side the aim will be to give as little, and get as much, as circumstances allow. France, Spain, and England, yield examples which unite in showing this.

When Charles V. of France, in 1357, dismissing the States-general for alleged encroachments on his rights, raised money by further debasing the coinage, and caused a sedition in Paris which endangered his life, there was, three months later, a re-convocation of the States, in which the petitions of the former assembly were acceded to, while a subsidy for war purposes was voted. And of an assembled States-general in 1366, Hallam writes:—"The necessity of restoring the coinage is strongly represented as the grand condition upon which they consented to tax the people, who had been long defrauded by the base money of Philip the Fair and his successors." Again, in Spain, the incorporated towns, made liable by their charters only for certain payments and services, had continually to resist unauthorized demands; while the kings, continually promising not to take more than their legal and customary dues, were continually breaking their promises. In 1328 Alfonso XI. "bound himself not to exact from his people, or cause them to pay, any tax, either partial or general, not hitherto established by law, without the previous grant of all the deputies convened by the Cortes." And how little such pledges were kept is shown by the fact that, in 1393, the Cortes who made a grant to Henry III., joined the condition that—

"He should swear before one of the archbishops not to take or demand any money, service, or loan, or anything else of the cities and towns, nor of individuals belonging to them, on any pretence of necessity, until the three estates of the kingdom should first be duly summoned and assembled in Cortes according to ancient usage."

Similarly in England during the time when parliamentary

power was being established. While, with national consolidation, the royal authority had been approaching to absoluteness, there had been, by reaction, arising that resistance which, resulting in the Great Charter, subsequently initiated the prolonged struggle between the king, trying to break through its restraints, and his subjects trying to maintain and to strengthen them. The twelfth article of the Charter having promised that no scutage or aid save those which were established should be imposed without consent of the national council, there perpetually recurred, both before and after the expansion of Parliament, endeavours on the king's part to get supplies without redressing grievances, and endeavours on the part of Parliament to make the voting of supplies contingent on fulfilment of promises to redress grievances.

On the issue of this struggle depended the establishment of popular power; as we are shown by comparing the histories of the French and Spanish Parliaments with that of the English Parliament. Quotations above given prove that the Cortes originally established, and for a time maintained, the right to comply with or to refuse the king's requests for money, and to impose their conditions; but they eventually failed to get their conditions fulfilled.

"In the struggling condition of Spanish liberty under Charles I., the crown began to neglect answering the petitions of Cortes, or to use unsatisfactory generalities of expression. This gave rise to many remonstrances. The deputies insisted, in 1523, on having answers before they granted money. They repeated the same contention in 1525, and obtained a general law, inserted in the Recopilacion, enacting that the king should answer all their petitions before he dissolved the assembly. This, however, was disregarded as before."

And thereafter rapidly went on the decay of parliamentary power. Different in form but the same in nature, was the change which occurred in France. Having at one time, as shown above, made the granting of money conditional on the obtainment of justice, the States-general was induced to surrender its restraining powers. Charles VII.—

"obtained from the States of the royal domains which met in 1439 that

they [the tailles] should be declared permanent, and from 1444 he levied them as such, *i.e.* uninterruptedly and without previous vote. . . . The permanence of the tailles was extended to the provinces annexed to the crown, but these preserved the right of voting them by their provincial estates. . . . In the hands of Charles VII., and Louis XI., the royal impost tended to be freed from all control. . . . Its amount increased more and more."

Whence, as related by Dareste, it resulted that "when the *tailles* and *aides* . . . had been made permanent, the convocation of the States-general ceased to be necessary. They were little more than show assemblies." But in our own case, during the century succeeding the final establishment of Parliament, frequent struggles necessitated by royal evasions, trickeries, and falsehoods, brought increasing power to withhold supplies until petitions had been attended to.

Admitting that this issue was furthered by the conflicts of political factions, which diminished the coercive power of the king, the truth to be emphasized is that the increase of a free industrial population was its fundamental cause. The calling together knights of the shire, representing the class of small landowners, which preceded on several occasions the calling together deputies from towns, implied the growing importance of this class as one from which money was to be raised; and when deputies from towns were summoned to the Parliament of 1295, the form of summons shows that the motive was to get pecuniary aid from portions of the population which had become relatively considerable and rich. Already the king had on more than one occasion sent special agents to shires and boroughs to raise subsidies from them for his wars. Already he had assembled provincial councils formed of representatives from cities, boroughs, and market-towns, that he might ask them for votes of money. And when the great Parliament was called together, the reason set forth in the writs was that wars with Wales, Scotland, and France, were endangering the realm: the implication being that the necessity for obtaining supplies led to this recognition of the towns as well as the counties.

So too was it in Scotland. The first known occasion on which representatives from burghs entered into political action, was when there was urgent need for pecuniary help from all sources; namely, "at Cambuskenneth on the 15th day of July, 1326, when Bruce claimed from his people a revenue to meet the expenses of his glorious war and the necessities of the State, which was granted to the monarch by the earls, barons, burgesses, and free tenants, in full parliament assembled."

In which cases, while we are again shown that the obligation is original and the power derived, we are also shown that it is the increasing mass of those who carry on life by voluntary cooperation instead of compulsory cooperation—partly the rural class of small freeholders and still more the urban class of traders—which initiates popular representation.

§ 502. Still there remains the question—How does the representative body become separate from the consultative body? Retaining the primitive character of councils of war, national assemblies were in the beginning mixed. The different "arms," as the estates were called in Spain, originally formed a single body. Knights of the shire when first summoned, acting on behalf of numerous smaller tenants of the king owing military service, sat and voted with the greater tenants. Standing, as towns did at the outset, very much in the position of fiefs, those who represented them were not unallied in legal status to feudal chiefs; and, at first assembling with these, in some cases remained united with them, as appears to have been habitually the case in France and Spain. Under what circumstances, then, do the consultative and representative bodies differentiate? The question is one to which there seems no very satisfactory answer.

Quite early we may see foreshadowed a tendency to part, determined by unlikeness of functions. During the Carolingian period in France, there were two annual gatherings: a larger which all the armed freemen had a right to attend, and

a smaller formed of the greater personages deliberating on more special affairs.

"If the weather was fine, all this passed in the open air; if not, in distinct buildings . . . When the lay and ecclesiastical lords were . . . separated from the multitude, it remained in their option to sit together, or separately, according to the affairs of which they had to treat."

And that unlikeness of functions is a cause of separation we find evidence in other places and times. Describing the armed national assemblies of the Hungarians, originally mixed, Lévy writes:—"La dernière réunion de ce genre eut lieu quelque temps avant la bataille de Mohacs; mais bientôt après, la diète se divisa en deux chambres: la table des magnats et la table des députés." In Scotland, again, in 1367—8, the three estates having met, and wishing, for reasons of economy and convenience, to be excused from their functions as soon as possible, "elected certain persons to hold Parliament, who were divided into two bodies, one for the general affairs of the king and kingdom, and another, a smaller division, for acting as judges upon appeals." In the case of England we find that though, in the writs calling together Simon of Montfort's Parliament, no distinction was made between magnates and deputies, yet when, a generation after, Parliament became established, the writs made a distinction: "counsel is deliberately mentioned in the invitation to the magnates, action and consent in the invitation to representatives." Indeed it is clear that since the earlier-formed body of magnates was habitually summoned for consultative purposes, especially military, while the representatives afterwards added were summoned only to grant money, there existed from the outset a cause for separation. Sundry influences conspired to produce it. Difference of language, still to a considerable extent persisting and impeding joint debate, furnished a reason. Then there was the effect of class-feeling, of which we have definite proof. Though they were in the same assembly, the deputies from boroughs "sat apart both from the barons and knights, who

disdained to mix with such mean personages;" and probably the deputies themselves, little at ease in presence of imposing superiors, preferred sitting separately. Moreover, it was customary for the several estates to submit to taxes in different proportions; and this tended to entail consultation among the members of each by themselves. Finally, we read that "after they [the deputies] had given their consent to the taxes required of them, their business being then finished, they separated, even though the Parliament still continued to sit, and to canvass the national business." In which last fact we are clearly shown that though aided by other causes, unlikeness of duties was the essential cause which at length produced a permanent separation between the representative body and the consultative body.

Thus at first of little account, and growing in power only because the free portion of the community occupied in production and distribution grew in mass and importance, so that its petitions, treated with increasing respect and more frequently yielded to, began to originate legislation, the representative body came to be that part of the governing agency which more and more expresses the sentiments and ideas of industrialism. While the monarch and upper house are the products of that ancient *régime* of compulsory cooperation the spirit of which they still manifest, though in decreasing degrees, the lower house is the product of that modern *régime* of voluntary cooperation which is replacing it; and in an increasing degree, this lower house carries out the wishes of people habituated to a daily life regulated by contract instead of by status.

§ 503. To prevent misconception it must be remarked, before summing up, that an account of representative bodies which have been in modern days all at once created, is not here called for. Colonial legislatures, consciously framed in conformity with traditions brought from the mother-country, illustrate the genesis of senatorial and representative bodies

in but a restricted sense: showing, as they do, how the structures of parent societies reproduce themselves in derived societies, so far as materials and circumstances allow; but not showing how these structures were originated. Still less need we notice those cases in which, after revolutions, peoples who have lived under despotisms are led by imitation suddenly to establish representative bodies. Here we are concerned only with the gradual evolution of such bodies.

Originally supreme, though passive, the third element in the tri-une political structure, subjected more and more as militant activity develops an appropriate organization, begins to re-acquire power when war ceases to be chronic. Subordination relaxes as fast as it becomes less imperative. Awe of the ruler, local or general, and accompanying manifestations of fealty, decrease; and especially so where the *prestige* of supernatural origin dies out. Where the life is rural the old relations long survive in qualified forms ; but clans or feudal groups clustered together in towns, mingled with numbers of unattached immigrants, become in various ways less controllable; while by their habits their members are educated to increasing independence. The small industrial groups thus growing up within a nation consolidated and organized by militancy, can but gradually diverge in nature from the rest. For a long time they remain partially militant in their structures and in their relations to other parts of the community. At first chartered towns stand substantially on the footing of fiefs, paying feudal dues and owing military service. They develop, within themselves, unions, more or less coercive in character, for mutual protection. They often carry on wars with adjacent nobles and with one another. They not uncommonly form leagues for joint defence. And where the semi-militancy of towns is maintained, industrial development and accompanying increase of popular power are arrested.

But where circumstances have favoured manufacturing and commercial activities, and growth of the population devoted

to them, this, as it becomes a large component of the society, makes its influence felt. The primary obligation to render money and service to the head of the State, often reluctantly complied with, is resisted when the exactions are great; and resistance causes conciliatory measures. There comes asking assent rather than resort to compulsion. If absence of violent local antagonisms permits, then on occasions when the political head, rousing anger by injustice, is also weakened by defections, there comes cooperation with other classes of oppressed subjects. Men originally delegated simply that they may authorize imposed burdens, are enabled as the power behind them increases, more and more firmly to insist on conditions; and the growing practice of yielding to their petitions as a means to obtaining their aid, initiates the practice of letting them share in legislation.

Finally, in virtue of the general law of organization that difference of functions entails differentiation and division of the parts performing them, there comes a separation. At first summoned to the national assembly for purposes partially alike and partially unlike those of its other members, the elected members show a segregating tendency, which, where the industrial portion of the community continues to gain power, ends in the formation of a representative body distinct from the original consultative body.

CHAPTER X.

MINISTRIES.

§ 504. Men chosen by the ruler to help him, we meet with in early stages of social evolution—men whose positions and duties are then vague and variable. At the outset there is nothing to determine the selection of helpers save considerations of safety, or convenience, or liking. Hence we find ministers of quite different origins.

Relationship leads to the choice in some places and times; as with the Bachassins, among whom the chief's brother conveys his orders and sees them executed; as of old in Japan, where the Emperor's son was prime minister and the daimios had cadets of their families as counsellors; as in ancient Egypt where "the principal officers of the Court or administration appear to have been at the earliest period the relatives" of the king. Though in some cases family-jealousy excludes kinsmen from these places of authority, in other cases family feeling and trust, and the belief that the desire for family-predominance will ensure loyalty, lead to the employment of brothers, cousins, nephews, &c.

More general appears to be the unobtrusive growth of personal attendants, or household servants, into servants of State. Those who are constantly in contact with the ruler have opportunities of aiding or hindering intercourse with him, of biassing him by their statements, and of helping or impeding the execution of his commands; and they thus gain power, and tend to become advising and executive

agents. From the earliest times onwards we meet with illustrations. In ancient Egypt—

"The office of fan-bearer to the king was a highly honourable post, which none but the royal princes, or the sons of the first nobility, were permitted to hold. These constituted a principal part of his staff; and in the field they either attended on the monarch to receive his orders, or were despatched to have the command of a division."

In Assyria the attendants who thus rose to power were not relatives, but were habitually eunuchs; and the like happened in Persia. "In the later times, the eunuchs acquired a vast political authority, and appear to have then filled all the chief offices of state. They were the king's advisers in the palace, and his generals in the field." Kindred illustrations are furnished by the West. Shown among the primitive Germans, the tendency for officers of the king's household to become political officers, was conspicuous in the Merovingian period: the seneschal, the marshal, the chamberlain, grew into public functionaries. Down to the later feudal period in France, the public and household administrations of the king were still undistinguished. So was it in old English times. According to Kemble, the four great officers of the Court and Household were the Hræge Thegn (servant of the wardrobe); the Steallere and Horsthegn (first, Master of the Horse, then General of the Household Troops, then Constable or Grand Marshal); the Discthegn (or thane of the table—afterwards Seneschal); the Butler (perhaps Byrele or Scenca). The like held under the conquering Normans; and it holds in a measure down to the present time.

Besides relatives and servants, friends are naturally in some cases fixed on by the ruler to get him information, give him advice, and carry out his orders. Among ancient examples the Hebrews furnish one. Remarking that in the small kingdoms around Israel in earlier times, it was customary for the ruler to have a single friend to aid him, Ewald points out that under David, with a larger State and a more complex administration, "the different departments are necessarily more subdivided, and new officers of 'friends' or ministers of the

king assume a sort of independent importance." Like needs produced kindred effects in the first days of the Roman empire. Duruy writes:—

"Augustus, who called himself a plain Roman citizen, could not, like a king, have ministers, but only friends who aided him with their experience. . . . The multitude of questions . . . induced him afterwards to distribute the chief affairs regularly among his friends. . . . This council was gradually organized."

And then in later days and other regions, we see that out of the group known as "friends of the king" there are often some, or there is one, in whom confidence is reposed and to whom power is deputed. In Russia the relation of Lefort to Peter the Great, in Spain that of Albuquerque to Don Pedro, and among ourselves that of Gaveston to Edward II., sufficiently illustrate the genesis of ministerial power out of the power gained by personal friendship and consequent trust. And then with instances of this kind are to be joined instances showing how attachment between the sexes comes into play. Such facts as that after Albuquerque fell, all officers about the court were filled by relations of the king's mistress; that in France under Louis XV. "the only visible government was that by women" from Mme. de Prie to Mme. du Barry; and that in Russia during the reign of Catherine II., her successive lovers acquired political power, and became some of them prime ministers and practically autocrats; will serve adequately to recall a tendency habitually displayed.

Regarded as able to help the ruler supernaturally as well as naturally, the priest is apt to become his chosen ally and agent. The Tahitians may be named as having a prime minister who is also chief priest. In Africa, among the Eggarahs (Inland Negroes), a priest "officiates as minister of war." How political power of priests results from their supposed influence with the gods, is well shown by the case of Mizteca (part of Mexico).

"The high-priests were highly respected by the caziques, who did nothing without their advice; they commanded armies, and ruled the

state, reproved vice, and when there was no amendment, threatened famine, plague, war, and the anger of the gods."

Other places in ancient America—Guatemala, Vera Paz, &c., furnish kindred facts; as do historic peoples from the earliest times downwards. In ancient Egypt the kings' advisers mostly belonged to the priestly caste. Under the Roman emperors ecclesiastics became ministers and secret counsellors. In mediæval days Dominican and Franciscan monks held the highest political offices. And in later times the connexion was shown by the ministerial power of cardinals, or, as in Russia, of patriarchs. This acquisition of leading political functions by functionaries of the church, has in some cases special causes in addition to the general cause. A royal chaplain (uniting the character of personal attendant with that of priest) stands in a relation to the king which almost necessitates acquisition of great influence. Moreover, being fitted by culture for secretarial work, he falls naturally into certain State-duties; as he did into those of chancellor among ourselves in early days.

Recognizing the fact that at the outset, these administrative agents, whatever further characters they have, are usually also soldiers, and are included in the primitive consultative body, of which they become specialized parts, we may say of them generally, that they are relatives, friends, attendants, priests, brought into close relations with the ruler, out of whom he is obliged by stress of business to choose assistants; and that at first vague and irregular, their appointments and functions gradually acquire definiteness.

§ 505. Amid much that is too indefinite for generalization, a few tolerably constant traits of ministers, and traits of ministries, may be briefly indicated.

That a trusted agent commonly acquires power over his principal, is a fact everywhere observable. Even in a gentleman's household a head servant of long standing not unfrequently gains such influence, that his master is in

various matters guided by him—almost controlled by him. With chief officers of State it has often been the same; and especially where hereditary succession is well established. A ruler who, young, or idle, or pleasure-seeking, performs his duties by proxy, or who, through personal liking or entire trust, is led to transfer his authority, presently becomes so ill informed concerning affairs, or so unused to modes of procedure, as to be almost powerless in the hands of his agent.

Where hereditary succession pervades the society and fixes its organization, there is sometimes shown a tendency to inheritance, not of the rulership only, but also of these offices which grow into deputy-rulerships. Under the Norman dukes before the Conquest, the places of seneschal, cup-bearer, constable, and chamberlain, were "hereditary grand serjeanties." In England in Henry II.'s time, succession to the posts of high-steward, constable, chamberlain, and butler, followed from father to son in the houses of Leicester, Miles, Vere, and Albini. So was it with the Scotch in King David's reign: "the offices of great steward and high constable had become hereditary in the families of Stewart and De Morevil." And then in Japan the principle of inheritance of ministerial position had so established itself as to insure ministerial supremacy. In these cases there come into play influences and methods like those which conduce to hereditary kingship. When, as during the later feudal period in France, we see efforts made to fix in certain lines of descent, the chief offices of State (efforts which, in that case, sometimes succeeded and sometimes failed), we are shown that ministers use the facilities which their places give them, to establish succession to these places in their own families, in the same way that early kings do. Just as, during the stage of elective kingship, the king is apt to use the advantages derived from his position to secure the throne for his son, by getting him chosen during his own life, and thus to initiate hereditary succession; so the minister who has been allowed to acquire great power, is prompted to employ it for

the purpose of establishing a monopoly of his office among his own descendants. Generally his desire is effectually antagonized by that of the ruler; but where, as in Japan, seclusion of the ruler impedes his hold on affairs, this desire of the minister takes effect.

Since there ever tend to arise these struggles between a king and one or more of those who serve him—since his efforts to maintain his authority are sometimes so far defeated that he is obliged to accept assistants who are hereditary; there results a jealousy of those whose interests are at variance with his own, and an endeavour to protect himself by excluding them from office. There comes a motive for choosing as ministers men who, having no children, cannot found houses which, growing powerful, may compete for supremacy; and hence in certain times the preference for celibate priests. Or, from allied motives, men neither clerical nor military are selected; as in France, where in the 15th and 17th centuries, members of the *bourgeois* class came to be preferred. A policy like that shown in the befriending of towns as a set-off against feudal chiefs, prompted the official employment of citizens instead of nobles. Under other conditions, again, there is a jealousy of ecclesiastics and an exclusion of them from power. For generations before the time of Peter the Great, the head of the church in Russia was "considered the second person in the empire; he was consulted on all State-affairs, until at length, their [his] spiritual pride outrunning all decorum, venturing upon, and even attempting to control the sovereign power, it was resolved by Peter the Great to abolish the patriarchate altogether." Between Louis XIV. and the Pope, there was a conflict for supremacy over the French church; and on more occasions than one, certain of the clergy encouraged "the absolutist pretensions of the Roman Pontiffs:" the result being that such prelates as held office were those who subordinated clerical to political aims, and that by Louis XIV., after 1661, "no churchman was allowed to touch the great engine of State-government." Among ourselves

may be traced, if less clearly, the working of kindred tendencies. During the 15th century, "clergymen were secretaries of government, the privy seals, cabinet councillors, treasurers of the crown, ambassadors, commissioners to open parliament, and to Scotland; presidents of the king's council, supervisors of the royal works, chancellors, keepers of the records, the masters of the rolls, &c.;" but with antagonism to the Church came partial, and in later days complete, disappearance of the clerical element from the administration. Under Henry VIII. the King's secretary, and afterwards the chancellor, ceased to be ecclesiastics; while of the council of sixteen executors appointed to govern during the minority of his son, three only were in holy orders. And though, during a subsequent temporary revival of papal influence, there was a re-acquirement of ministerial position by priests, they afterwards again ceased to be chosen.

Whether a ruler is able to prevent high offices of State from being held by men whose ambitions and interests he fears, depends, however, upon his acquirement of adequate predominance. A class which, being powerful, is excluded as therefore dangerous, being still more powerful, cannot be excluded; and is apt either to monopolize administrative functions or practically to dictate the choice of ministers. In ancient Egypt, where the priesthood was pre-eminent in influence, the administration was chiefly officered by its members, with the result that at one time there was usurpation of the kingship by priests; and the days during which the Catholic church was most powerful throughout Europe, were the days during which high political posts were very generally held by prelates. In other cases supremacy of the military class is shown; as in Japan, where soldiers have habitually been the ministers and practically usurpers; as in feudal England, when Henry III. was obliged by the barons to accept Hugh Le Despenser as chief justiciary, and other nominees as officers of his household; or as when, in the East, down to our own time, changes of ministry are insisted

on by the soldiery. Naturally in respect of these administrative offices, as in respect of all other places of power, there arises a conflict between the chiefs of the warrior class, who are the agents of the terrestrial ruler, and the chiefs of the clerical class, who profess to be agents of the celestial ruler; and the predominance of the one or the other class, is in many cases implied by the extent to which it fills the chief offices of State.

Such facts show us that where there has not yet been established any regular process for making the chief advisers and agents of the ruler into authorized exponents of public opinion, there nevertheless occurs an irregular process by which some congruity is maintained between the actions of these deputy rulers and the will of the community; or, at any rate, the will of that part which can express its will.

§ 506. Were elaboration desirable, and collection of the needful data less difficult, a good deal might here be added respecting the development of ministries.

Of course it could, in multitudinous cases, be shown how, beginning as simple, they become compound—the solitary assistant to the chief, helping him in all ways, developing into the numerous great officers of the king, dividing among them duties which have become extensive and involved. Along with this differentiation of a ministry might also be traced the integration of it that takes place under certain conditions: the observable change being from a state in which the departmental officers separately take from the ruler their instructions, to a state in which they form an incorporated body. There might be pursued an inquiry respecting the conditions under which this incorporated body gains power and accompanying responsibility; with the probable result of showing that development of an active executive council, and acompanying reduction of the original executive head to an automatic state, characterizes that representative form of government proper to the industrial

type. But while results neither definite nor important are likely to be reached, the reaching of such as are promised would necessitate investigation at once tedious and unsatisfactory.

For such ends as are here in view, it suffices to recognize the general facts above set forth. As the political head is at first but a slightly-distinguished member of the group—now a chief whose private life and resources are like those of any other warrior, now a patriarch or a feudal lord who, becoming predominant over other patriarchs or other feudal lords, at first lives like them on revenues derived from private possessions —so the assistants of the political head take their rise from the personal connexions, friends, servants, around him: they are those who stand to him in private relations of blood, or liking, or service. With the extension of territory, the increase of affairs, and the growth of classes having special interests, there come into play influences which differentiate some of those who surround the ruler into public functionaries, distinguished from members of his family and his household. And these influences, joined with special circumstances, determine the kinds of public men who come into power. Where the absoluteness of the political head is little or not at all restrained, he makes arbitrary choice irrespective of rank, occupation, or origin. If, being predominant, there are nevertheless classes of whom he is jealous, exclusion of these becomes his policy; while if his predominance is inadequate, representatives of such classes are forced into office. And this foreshadows the system under which, along with decline of monarchical power, there grows up an incorporated body of ministers having for its recognized function to execute the public will.

CHAPTER XI.

LOCAL GOVERNING AGENCIES.

§ 507. The title is needed because the classes of facts to be here dealt with, cover a wider area than those comprehended under the title "Local Governments."

We have to deal with two kinds of appliances for control, originally one but gradually becoming distinguished. Alike among peoples characterized by the reckoning of kinship through females, and among peoples characterized by descent of property and power through males, the regulative system based on blood-relationship is liable to be involved with, and subordinated by, a regulative system originating from military leadership. Authority established by triumph in war, not unfrequently comes into conflict with authority derived from the law of succession, when this has become partially settled, and initiates a differentiation of political headship from family headship. We have seen that, from primitive stages upwards, the principle of efficiency and the principle of inheritance are both at work in determining men's social positions; and where, as happens in many cases, a war-chief is appointed when the occasion arises, notwithstanding the existence of a chief of acknowledged legitimacy, there is a tendency for transmitted power to be over-ridden by power derived from capacity. From the beginning, then, there is apt to grow up a species of government distinct from family-government; and the aptitude takes effect where many

family-groups, becoming united, carry on militant activities. The growth of the family into the gens, of the gens into the phratry, of the phratry into the tribe, implies the multiplication of groups more and more remotely akin, and less and less easily subordinated by the head of some nominally-leading group; and when local aggregation brings interfusion of tribes which, though of the same stock, have lost their common genealogy, the rise of some headship other than the headships of family-groups becomes imminent. Though such political headship, passing through the elective stage, often becomes itself inheritable after the same manner as the original family-headships, yet it constitutes a new kind of headship.

Of the local governing agencies to which family-headships and political headships give origin, as groups become compounded and re-compounded, we will consider first the political, as being most directly related to the central governing agencies hitherto dealt with.

§ 508. According to the relative powers of conqueror and conquered, war establishes various degrees of subordination. Here the payment of tribute and occasional expression of homage, interfere but little with political independence; and there political independence is almost or quite lost. Generally, however, at the outset the victor either finds it necessary to respect the substantial autonomies of the vanquished societies, or finds it his best policy to do this. Hence, before integration has proceeded far, local governments are usually nothing more than those governments of the parts which existed before they were united into a whole.

We find instances of undecided subordination everywhere. In Tahiti "the actual influence of the king over the haughty and despotic district chieftains, was neither powerful nor permanent." Of our own political organization in old English times Kemble writes:—"the whole executive government may be considered as a great aristocratic association, of which the ealdormen were the constituent earls, and the king

little more than president." Similarly during early feudal times; as, for example, in France. "Under the first Capetians, we find scarcely any general act of legislation. . . . Everything was local, and all the possessors of fiefs first, and afterwards all the great suzerains, possessed the legislative power within their domain." This is the kind of relation habitually seen during the initial stages of those clustered groups in which one group has acquired power over the rest.

In cases where the successful invader, external to the cluster instead of internal, is powerful enough completely to subjugate all the groups, it still happens that the pre-existing local organizations commonly survive. Ancient American states yield examples. "When the kings of Mexico, Tezcuco, and Tacuba conquered a province, they used to maintain in their authority all the natural chiefs, the highest as well as the lower ones." Concerning certain rulers of Chibcha communities, who became subject to Bogota, we read that the Zipa subdued them, but left them their jurisdiction and left the succession to the caziqueship in their families. And as was pointed out under another head, the victorious Yncas left outstanding the political headships and administrations of the many small societies they consolidated. Such is, in fact, the most convenient policy. As is remarked by Sir Henry Maine, "certain institutions of a primitive people, their corporations and village-communities, will always be preserved by a suzerain-state governing them, on account of the facilities which they afford to civil and fiscal administration;" and the like may be said of the larger regulative structures. Indeed the difficulty of suddenly replacing an old local organization by an entirely new one, is so great that almost of necessity the old one is in large measure retained.

The autonomies of local governments, thus sometimes scarcely at all interfered with and in other cases but partially suppressed, manifest themselves in various ways. The original independence of groups continues to be shown by the right of private war between them. They retain their

local gods, their ecclesiastical organizations, their religious festivals. And in time of general war the contingents they severally furnish remain separate. Egyptian nomes, Greek cities, feudal lordships, yield illustrations.

§ 509. The gradual disappearance of local autonomies is a usual outcome of the struggle between the governments of the parts, which try to retain their powers, and the central government, which tries to diminish their powers.

In proportion as his hands are strengthened, chiefly by successful wars, the major political head increases his restraints over the minor political heads; first by stopping private wars among them, then by interfering as arbitrator, then by acquiring an appellate jurisdiction. Where the local rulers have been impoverished by their struggles with one another, or by futile attempts to recover their independence, or by drafts made on their resources for external wars—where, also, followers of the central ruler have grown into a new order of nobles, with gifts of conquered or usurped lands as rewards for services; the way is prepared for administrative agencies centrally appointed. Thus in France, when the monarch became dominant, the seigneurs were gradually deprived of legislative authority. Royal confirmation became requisite to make signorial acts valid; and the crown acquired the exclusive right of granting charters, the exclusive right of ennobling, the exclusive right of coining. Then with decline in the power of the original local rulers came deputies of the king overlooking them: provincial governors holding office at the king's pleasure were nominated. In subsequent periods grew up the administration of intendants and their sub-delegates, acting as agents of the crown; and whatever small local powers remained were exercised under central supervision. English history at various stages yields kindred illustrations. When Mercia was formed out of petty kingdoms, the local kings became ealdormen; and a like change took place afterwards on a larger scale. "From the time of Ecgberht

onwards there is a marked distinction between the King and the Ealdorman. The King is a sovereign, the Ealdorman is only a magistrate." Just noting that under Cnut, ealdormen became subordinated by the appointment of earls, and again that under William I. earldoms were filled up afresh, we observe that after the War of the Roses had weakened them, the hereditary nobles had their local powers interfered with by those of centrally-appointed lords-lieutenant. Not only provincial governing agencies of a personal kind come to be thus subordinated as the integration furthered by war progresses, but also those of a popular kind. The old English Scirgeréfa, who presided over the Sciregemot, was at first elective, but was afterwards nominated by the king. Under a later *régime* there occurred a kindred change: "9 Edward II. abolished the popular right to election" to the office of sheriff. And similarly, "from the beginning of Edward III.'s reign, the appointment of conservators" of the peace, who were originally elected, "was vested in the crown," "and their title changed to that of justices."

With sufficient distinctness such facts show us that, rapidly where a cluster of small societies is subjugated by an invader, and slowly where one among them acquires an established supremacy, the local rulers lose their directive powers and become executive agents only; discharging whatever duties they retain as the servants of newer local agents. In the course of political integration, the original governing centres of the component parts become relatively automatic in their functions.

§ 510. A further truth to be noted is that there habitually exists a kinship in structure between the general government and the local governments. Several causes conspire to produce this kinship.

Where one of a cluster of groups has acquired power over the rest, either directly by the victories of its ruler over them, or indirectly by his successful leadership of

the confederation in war, this kinship becomes a matter of course. For under such conditions the general government is but a development of that which was previously one of the local governments. We have a familiar illustration furnished by old English times in the likeness between the hundred-moot (a small local governing assembly), the shire-moot (constituted in an analogous way, but having military, judicial, and fiscal duties of a wider kind, and headed by a chief originally elected), and the national witanagémot (containing originally the same class-elements, though in different proportions, headed by a king, also at first elected, and discharging like functions on a larger scale. This similarity recurs under another phase. Sir Henry Maine says:—

"It has often, indeed, been noticed that a Feudal Monarchy was an exact counterpart of a Feudal Manor, but the reason of the correspondence is only now beginning to dawn upon us, which is, that both of them were in their origin bodies of assumed kinsmen settled on land and undergoing the same transmutation of ideas through the fact of settlement."

Of France in the early feudal period, Maury says, "the court of every great feudatory was the image, of course slightly reduced, of that of the king;" and the facts he names curiously show that locally, as generally, there was a development of servants into ministerial officers. Kindred evidence comes from other parts of the world—Japan, several African States, sundry Polynesian islands, ancient Mexico, Mediæval India, &c.; where forms of society essentially similar to those of the feudal system exist or have existed.

Where the local autonomy has been almost or quite destroyed, as by a powerful invading race bringing with it another type of organization, we still see the same thing; for its tendency is to modify the institutions locally as it modifies them generally. From early times eastern kingdoms have shown us this; as instance the provincial rulers, or satraps, of the Persians. "While . . . they remained in office they were despotic—they represented the Great King,

and were clothed with a portion of his majesty. . . . They wielded the power of life and death." And down to the present day this union of central chief-despot with local sub-despots survives; as is implied by Rawlinson's remark that these ancient satraps had "that full and complete authority which is possessed by Turkish pashas and modern Persian khans or beys—an authority practically uncontrolled." Other ancient societies of quite other types displayed this tendency to assimilate the structures of the incorporated parts to that of the incorporating whole. Grecian history shows us that oligarchic Sparta sought to propagate oligarchy as a form of government in dependent territories, while democratic Athens propagated the democratic form. And, similarly, where Rome conquered and colonized, there followed the Roman municipal system.

This last instance reminds us that as the character of the general government changes, the character of the local government changes too. In the Roman empire that progress towards a more concentrated form of rule which continued militancy brought, spread from centre to periphery. "Under the Republic every town had, like Rome, a popular assembly which was sovereign for making the law and 'creating' magistrates;" but with the change towards oligarchic and personal rule in Rome, popular power in the provinces decreased: "the municipal organization, from being democratic, became aristocratic." In France, as monarchical power approached absoluteness, similar changes were effected in another way. The government seized on municipal offices, "erecting them into hereditary offices, and . . . selling them at the highest price: . . . a permanent mayor and assessors were imposed upon all the municipalities of the kingdom, which ceased to be elective;" and then these magistrates began to assume royal airs—spoke of the sanctity of their magistracy, the veneration of the people, &c. Our own history interestingly shows simultaneous movements now towards freer, and now towards less free, forms, locally and generally.

When, under King John, the central government was liberalized, towns acquired the power to elect their own magistrates. Conversely when, at the Restoration, monarchical power increased, there was a framing of the "municipalities on a more oligarchical model." And then comes the familiar case of the kindred liberalizations of the central government and the local governments which have occurred in our own time.

§ 511. From those local governing agencies which have acquired a political character, we turn now to those which have retained the primitive family character. Though with the massing of groups, political organization and rule become separate from, and predominant over, family-organization and rule, locally as well as generally, yet family-organization and rule do not disappear; but in some cases retaining their original nature, in some cases give origin to other local organizations of a governmental kind. Let us first note how wide-spread is the presence of the family-cluster, considered as a component of the political society.

Among the uncivilized Bedouins we see it existing separately: "every large family with its relations constituting a small tribe by itself." But, says Palgrave, "though the clan and the family form the basis and are the ultimate expression of the civilized Arab society, they do not, as is the case among the Bedouins, sum it up altogether." That is, political union has left outstanding the family-organization, but has added something to it. And it was thus with Semitic societies of early days, as those of the Hebrews. Everywhere it has been thus with the Ayrans.

"The [Irish] Sept is a body of kinsmen whose progenitor is no longer living, but whose descent from him is a reality. . . . An association of this sort is well known to the law of India as the Joint Undivided Family. . . . The family thus formed by the continuance of several generations in union, is identical in outline with a group very familiar to the students of the older Roman law—the Agnatic Kindred."

Not only where descent in the male line has been established,

but also where the system of descent through females continues, this development of the family into gens, phratry, and tribe, is found. It was so with such ancient American peoples, as those of Yucatan, where, within each town, tribal divisions were maintained; and, according to Mr. Morgan and Major Powell, it is still so with such American tribes as the Iroquois and the Wyandottes.

After its conclusion in a political aggregate, as before its inclusion, the family-group evolves a government *quasi*-political in nature. According to the type of race and the system of descent, this family-government may be, as among ancient Semites and Ayrans, an unqualified patriarchal despotism; or it may be, as among the Hindoos at present, a personal rule arising by selection of a head from the leading family of the group (a selection usually falling on the eldest); or it may be, as in American tribes like those mentioned, the government of an elected council of the gens, which elects its chief. That is to say, the triune structure which tends to arise in any incorporated assembly, is traceable in the compound family-group, as in the political group: the respective components of it being variously developed according to the nature of the people and the conditions.

The government of each aggregate of kinsmen repeats, on a small scale, functions like those of the government of the political aggregate. As the entire society revenges itself on other such societies for injury to its members, so does the family-cluster revenge itself on other family-clusters included in the same society. This fact is too familiar to need illustration; but it may be pointed out that even now, in parts of Europe where the family-organization survives, the family vendettas persist. "L'Albanais vous dira froidement . . . Akeni-Dgiak? avez-vous du sang à venger dans votre famille;" and then, asking the name of your tribe, he puts his hand on his pistol. With this obligation to take vengeance goes, of course, reciprocal responsibility. The family in all its branches is liable as a whole, and in each part, for the

injuries done by its members to members of other families; just as the entire society is held liable by other entire societies. This responsibility holds not alone for lives taken by members of the family-group, but also for damages they do to property, and for pecuniary claims.

"Dans les districts Albanais libres, les dettes sont contractées à terme. En cas de non-paiement, on a recours aux chefs de la tribu du débiteur, et si ceux-ci refusent de faire droit, on arrête le premier venu qui appartient à cette tribu, et on l'accable de mauvais traitements jusqu'à ce qu'il s'entende avec le véritable débiteur, ou qu'il paie lui-même ses dettes, risque à se pouvoir ensuite devant les anciens de sa tribu ou de poursuivre par les armes celui qui lui a valu ce dommage." And of the old English mægth we read that "if any one was imprisoned for theft, witchcraft, &c., his kindred must pay the fine . . . and must become surety for his good conduct on his release."

While, within the political aggregate, each compound family-group thus stood towards other such included groups in quasi-political relations, its government exercised internal control. In the gens as constituted among the American peoples above named, there is administration of affairs by its council. The gentile divisions among historic peoples were ruled by their patriarchs; as are still those of the Hindoos by their chosen elders. And then besides this judicial organization within the assemblage of kindred, there is the religious organization, arising from worship of a common ancestor, which entails periodic joint observances.

Thus the evidence shows us that while the massing together of groups by war, has, for its concomitant, development of a political organization which dominates over the organizations of communities of kindred, yet these communities of kindred long survive, and partially retain their autonomies and their constitutions.

§ 512. Social progress, however, transforms them in sundry ways—differentiating them into groups which gradually lose their family-characters. One cause is change from the

wandering life to the settled life, with the implied establishment of definite relations to the land, and the resulting multiplication and interfusion.

To show that this process and its consequences are general, I may name the calpulli of the ancient Mexicans, which "means a district inhabited by a family . . . of ancient origin;" whose members hold estates which "belong not to each inhabitant, but to the calpulli;" who have chiefs chosen out of the tribe; and who "meet for dealing with the common interests, and regulating the apportionment of taxes, and also what concerns the festivals." And then I may name as being remote in place, time, and race, the still-existing Russian mir, or village-commune; which is constituted by descendants of the same family-group of nomads who became settled; which is "a judicial corporation . . . proprietor of the soil, of which individual members have but the usufruct or temporary enjoyment;" which is governed by the "heads of families, assembled in council under the presidency of the *starosta* or mayor, whom they have elected." Just noting these allied examples, we may deal more especially with the Teutonic mark, which was "formed by a primitive settlement of a family or kindred," when, as said by Cæsar of the Suevi, the land was divided among "gentes et cognationes hominum." In the words of Kemble, marks were—

"Great family-unions, comprising households of various degrees of wealth, rank, and authority; some in direct descent from the common ancestors, or from the hero of the particular tribe; others, more distantly connected. . . . ; some, admitted into communion by marriage, others by adoption, others by emancipation; but all recognizing a brotherhood, a kinsmanship or *sibsceaft;* all standing together as one unit in respect of other similar communities; all governed by the same judges and led by the same captains; all sharing in the same religious rites; and all known to themselves and to their neighbours by one general name."

To which add that, in common with family-groups as already described, the cluster of kindred constituting the mark had, like both smaller and larger clusters, a joint obligation to

defend and avenge its members, and a joint responsibility for their actions.

And now we are prepared for observing sundry influences which conspire to change the grouping of kindred into political grouping, locally as well as generally. In the first place, there is that admission of strangers into the family, gens, or tribe, which we have before recognized as a normal process, from savage life upwards. Livingstone, remarking of the Bakwains that "the government is patriarchal," describes each chief man as having his hut encircled by the huts of his wives, relatives, and dependents, forming a kotla: "a poor man attaches himself to the kotla of a rich one and is considered a child of the latter." Here we see being done informally, that which was formally done in the Roman household and the Teutonic mark. In proportion as the adopted strangers increase, and in proportion also as the cluster becomes diluted by incorporating with itself emancipated dependents, the links among its members become weakened and its character altered. In the second place, when, by concentration and multiplication, different clusters of kindred placed side by side, become interspersed, and there ceases to be a direct connexion between locality and kinship, the family or gentile bonds are further weakened. And then there eventually results, both for military and fiscal purposes, the need for a grouping based on locality instead of on relationship. An early illustration is furnished by the Kleisthenian revolution in Attica, which made a division of the territory into demes, replacing for public purposes tribal divisions by topographical divisions, the inhabitants of each of which had local administrative powers and public responsibilities.

We are here brought to the vexed question about the origin of tythings and hundreds. It was pointed out that the ancient Peruvians had civil as well as military divisions into tens and hundreds, with their respective officers. In China, where there is pushed to an extreme the principle of

making groups responsible for their members, the clan-divisions are not acknowledged by the government, but only the tythings and hundreds: the implication being that these last were results of political organization as distinguished from family-organization. In parts of Japan, too, "there is a sort of subordinate system of wards, and heads of tens and hundreds, in the *Otonos* of towns and villages, severally and collectively responsible for each other's good conduct." We have seen that in Rome, the groupings into hundreds and tens, civil as well as military, became political substitutes for the gentile groupings. Under the Frankish law, "the tything-man is *Decanus*, the hundred-man *Centenarius;*" and whatever may have been their indigenous names, divisions into tens and hundreds appear to have had (judging from the statements of Tacitus) an independent origin among the Germanic races.

And now remembering that these hundreds and tythings, formed within the marks or other large divisions, still answered in considerable degrees to groups based on kinship (since the heads of families of which they were constituted as local groups, were ordinarily closer akin to one another than to the heads of families similarly grouped in other parts of the mark), we go on to observe that there survived in them, or were re-developed in them, the family-organization, rights, and obligations. I do not mean merely that by their hundred-moots, &c., they had their internal administrations; but I mean chiefly that they became groups which had towards other groups the same joint claims and duties which family-groups had. Responsibility for its members, previously attaching exclusively to the cluster of kindred irrespective of locality, was in a large measure transferred to the local cluster formed but partially of kindred. For this transfer of responsibility an obvious cause arose as the gentes and tribes spread and became mingled. While the family-community was small and closely aggregated, an offence committed by one of its members against another such com-

munity could usually be brought home to it bodily, if not to the sinning member; and as a whole it had to take the consequences. But when the family-community, multiplying, began to occupy a wide area, and also became interfused with other family-communities, the transgressor, while often traceable to some one locality within the area, was often not identifiable as of this or that kindred; and the consequences of his act, when they could not be visited on his family, which was not known, were apt to be visited on the inhabitants of the locality, who were known. Hence the genesis of a system of suretyship which is so ancient and so widespread. Here are illustrations:—

"This then is my will, that every man be in surety, both within the towns and without the towns."—Eádg. ii. Supp. § 8.

"And we will that every freeman be brought into a hundred and into a tithing, who desires to be entitled to *lád* or *wer*, in case any one should slay him after he have reached the age of xii years: or let him not otherwise be entitled to any free rights, be he householder, be he follower."—Cnut, ii. § xx.

". . . in all the vills throughout the kingdom, all men are bound to be in a guarantee by tens, so that if one of the ten men offend, the other nine may hold him to right."—Edw. Conf., xx.

Speaking generally of this system of mutual guarantee, as exhibited among the Russians, as well as among the Franks, Koutorga says—

"Tout membre de la société devait entrer dans une décanie, laquelle avait pour mission la défence et la garantie de tous en général et de chacun en particulier; c'est-à-dire que la décanie devait venger le citoyen qui lui appartenait et exiger le wehrgeld, s'il avait été tué; mais en même temps elle se portait caution pour tous les seins."

In brief, then, this form of local governing agency, developing out of, and partially replacing, the primitive family-form, was a natural concomitant of the multiplication and mixture resulting from a settled life.

§ 513. There remains to be dealt with an allied kind of local governing agency—a kind which, appearing to have been once identical with the last, eventually diverged from it.

Kemble concludes that the word "gegyldan" means "those who mutually pay for one another . . . the associates of the tithing and the hundred;" and how the two were originally connected, we are shown by the statement that as late as the tenth century in London, the citizens were united into frithgylds, "or associations for the maintenance of the peace, each consisting of ten men; while ten such gylds were gathered into a hundred." Prof. Stubbs writes:—

"The collective responsibility for producing an offender, which had lain originally on the mægth or kindred of the accused, was gradually devolved on the voluntary association of the guild; and the guild superseded by the local responsibility of the tithing."

Here we have to ask whether there are not grounds for concluding that this transfer of responsibility originally took place through development of the family-cluster into the gild, in consequence of the gradual loss of the family-character by incorporation of unrelated members. That we do not get evidence of this in written records, is probably due to the fact that the earlier stages of the change took place before records were common. But we shall see reasons for believing in such earlier stages if we take into accounts facts furnished by extinct societies and societies less developed than those of Europe.

Of the skilled arts among the Peruvians, Prescott remarks:—"these occupations, like every other calling and office in Peru, always descended from father to son;" and Clavigero says of the Mexicans "that they perpetuated the arts in families to the advantage of the State:" the reason Gomara gives why "the poor taught their sons their own trades," being that "they could do so without expense"—a reason of general application. Heeren's researches into ancient Egyptian usages, have led him to accept the statement of early historians, that "the son was bound to carry on the trade of his father and that alone;" and he cites a papyrus referring to an institution naturally connected with this usage—"the guild or company of curriers or leather-

dressers." Then of the Greeks, Hermann tell us that various arts and professions were—

"peculiar to certain families, whose claims to an exclusive exercise of them generally ascended to a fabulous origin. We moreover find 'pupil and son' for many successive generations designated by the same term; and closely connected with the exclusiveness and monopoly of many professions, is the little respect in which they were, in some instances, held by the rest of the people: a circumstance which Greek authors themselves compare with the prejudice of caste prevalent among other nations."

China, as at present existing, yields evidence:—

"The popular associations in cities and towns are chiefly based upon a community of interests, resulting either from a similarity of occupation, when the leading persons of the same calling form themselves into guilds, or from the municipal regulations requiring the householders living in the same street to unite to maintain a police, and keep the peace of their division. Each guild has an assembly-hall, where its members meet to hold the festival of their patron saint."

And, as I learn from the Japanese minister, a kindred state of things once existed in Japan. Children habitually followed the occupations of their parents; in course of generations there resulted clusters of relatives engaged in the same trade: and these clusters developed regulative arrangements within themselves. Whether the fact that in Japan, as in the East generally, the clustering of traders of one kind in the same street, arises from the original clustering of the similarly-occupied kindred, I find no evidence; but since, in early times, mutual protection of the members of a trading kindred, as of other kindred, was needful, this seems probable. Further evidence of like meaning may be disentangled from the involved phenomena of caste in India. In No. CXLII of the *Calcutta Review*, in an interesting essay by Jogendra Chandra Ghosh, caste is regarded as "a natural development of the Indian village-communities;" as "distinguished not only by the autonomy of each guild," "but by the mutual relations between these autonomous guilds;" and as being so internally organized "that caste government does not recognize the finding or the verdict of any court other than

what forms part of itself." In answer to my inquiries, the writer of this essay has given me a mass of detailed information, from which I extract the following:—

"A Hindoo joint family signifies (1) that the members all mess together; (2) and live in the same house; (3) that the male members and unmarried girls are descended from a common ancestor; and (4) that the male members put their incomes together. . . . The integral character of the family is destroyed when the joint mess and common purse cease to exist. However, the branches thus disunited continue to observe certain close relations as *gnatis* up to some seven or fourteen generations from the common ancestor. Beyond that limit they are said to be merely of the same *gotra*."

Passing over the detailed constitution of a caste as consisting of many such *gotras*, and of the groups produced by their intermarriages under restrictions of exogamy of the *gotras* and endogamy of the caste—passing over the feasts, sacrificial and other, held among members of the joint family when their groups have separated; I turn to the facts of chief significance. Though, under English rule, inheritance of occupation is no longer so rigorous, yet—

"the principle is universally recognized that every caste is bound to follow a particular occupation and no other. . . . The partition of the land, or the house as well, is governed by the law of equal succession; and as fresh branches set up new houses, they are found all clustered together, with the smallest space between them for roadway. . . . But when, as in *bazaars*, men take up houses for commercial purposes, the clustering is governed either by family and caste-relations, or by common avocations [which imply some caste-kinship] and facility of finding customers.

In which facts we may see pretty clearly that were there none of the complications consequent on the intermarriage regulations, there would simply result groups united by occupation as well as by ancestry, clustering together, and having their internal governments.

Returning from consideration of these facts supplied by other societies, let us now observe how numerous are the reasons for concluding that the gild, familiar to us as a union of similarly-occupied workers, was originally a union of kindred. In the primitive compound family there was

worship of the common ancestor; and the periodic sacrificial feasts were occasions on which all the descendants assembled. Describing the origin of gilds, Thierry writes:—

"Dans l'ancienne Scandinavie, ceux qui se réunissaient aux époques solennelles pour sacrifier ensemble terminaient la cérémonie par un festin religieux. Assis autour du feu et de la chaudière du sacrifice, ils buvaient à la ronde et vidaient successivement trois cornes remplies de bière, l'une pour les dieux, l'autre pour les braves du vieux temps, et la troisième pour les parents et les amis dont les tombes, marquées par des monticules de gazon, se voyaient çà et là dans la plaine; on appelait celle-ci la coupe de l'amitié. Le nom d'amitié (minne) se donnait aussi quelquefois à la réunion de ceux qui offraient en commun le sacrifice, et, d'ordinaire, cette réunion était appelée *ghilde*."

And Brentano, giving a similar account, says—"'Gild' meant originally the sacrificial meal made up of the common contributions; then a sacrificial banquet in general; and lastly a society." Here we find a parallelism with the observances of the Hindoo joint-family, consisting of clusters of relatives carrying on the same occupation, who meet at feasts which were primarily sacrificial to ancestors; and we find a parallelism with the religious observances of such clusters of similarly-occupied relatives as the Asklepiadæ among the Greeks; and we find a parallelism with the gild-feasts of the ancestor-worshipping Chinese, held in honour of the patron saint: all suggesting the origin of those religious services and feasts habitual in early gilds of our own society. To state briefly the further likenesses of nature:—We have, in the primitive compound family, the obligation of blood-revenge for slain relatives; and in early gilds, as in ancient Sleswig, there was blood-revenge for members of the gild. We have, in the compound family, responsibility for transgressions of its members; and gilds were similarly responsible: the wergylds falling in part on them, after murders were compounded for by money. We have, in the compound family, joint claims to sustenance derived from the common property and labour; and in the gild we have the duty of maintaining incapable members. Within the family there was control of private conduct, either

by a despotic head or by a council, as there is now within the local clusters of the Hindoo castes; and in like manner the ordinances of gilds extended to the regulation of personal habits. Lastly, this family or caste government, as still shown us in India, includes in its punishments excommunication; and so, too, was there outlawry from the gild.*

It is inferable, then, that the gild was evolved from the family. Continuance of a business, art, or profession, among descendants, is, in early stages, almost inevitable. Acquisition of skill in it by early practice is easy; the cost of teaching is inappreciable; and retention of the "craft" or "mystery" within the family is desirable: there being also the reason that while family-groups are in antagonism, the teaching of one another's members cannot usually be practicable. But in course of time there come into play influences by which the character of the gild as an assemblage of kindred is obscured. Adoption, which, as repeatedly pointed out, is practised by groups of all kinds, needs but to become common to cause this constitutional change. We have seen that among the Greeks, "pupil" and "son" had the same name. At the present time in Japan, an apprentice, standing in the position of son to his master, calls him "father;" and in our own craft-gilds "the apprentice became a member of the family of his master, who instructed him in his trade, and who, like a father, had to watch over his morals, as well as his work." The eventual admission of the apprentice into the gild, when he was a stranger in blood to its members, qualified, in so far, its original nature; and where, through successive generations, the trade was a prosperous

* A friend who has read this chapter in proof, points out to me passages in which Brentano draws from these parallelisms a like inference. Referring to the traits of certain fully-developed gilds, he says:—"If we connect them with what historians relate about the family in those days, we may still recognize in them the germ from which, in later times, at a certain stage of civilization, the Gild had necessarily to develop itself . . . the family appears as the pattern and original type, after which all the later Gilds were formed."

one, tempting masters to get more help than their own sons could furnish, this process would slowly bring about predominance of the unrelated members, and an ultimate loss of the family-character. After which it would naturally happen that the growing up of new settlements and towns, bringing together immigrants who followed the same calling but were not of the same blood, would lead to the deliberate formation of gilds after the pattern of those existing in older places: an appearance of artificial origin being the result; just as now, in our colonies, there is an apparently artificial origin of political institutions which yet, as being fashioned like those of the mother-country, where they were slowly evolved, are traceable to a natural origin.

Any one who doubts the transformation indicated, may be reminded of a much greater transformation of allied kind. The gilds of London,—goldsmiths', fishmongers', and the rest,—were originally composed of men carrying on the trades implied by their names; but in each of these companies the inclusion of persons of other trades, or of no trade, has gone to the extent that few if any of the members carry on the trades which their memberships imply. If, then, the process of adoption in this later form, has so changed the gild that, while retaining its identity, it has lost its distinctive trade-character, we are warranted in concluding that still more readily might the earlier process of adoption into the simple family or the compound family practising any craft, eventually change the gild from a cluster of kindred to a cluster formed chiefly of unrelated persons.

§ 514. Involved and obscure as the process has been, the evolution of local governing agencies is thus fairly comprehensible. We divide them into two kinds, which, starting from a common root, have diverged as fast as small societies have been integrated into large ones.

Through successive stages of consolidation, the political heads of the once-separate parts pass from independence to

dependence, and end in being provincial agents—first partially-conquered chiefs paying tribute; then fully-conquered chiefs governing under command; then local governors who are appointed by the central governor and hold power under approval: becoming eventually executive officers.

There is habitually a kinship in character between the controlling systems of the parts and the controlling system of the whole (assuming unity of race), consequent on the fact that both are ultimately products of the same individual nature. With a central despotism there goes local despotic rule; with a freer form of the major government there goes a freer form of the minor governments; and a change either way in the one is followed by a kindred change in the other.

While, with the compounding of small societies into large ones, the political ruling agencies which develop locally as well as generally, become separate from, and predominant over, the ruling agencies of family origin, these last do not disappear; but, surviving in their first forms, also give origin to differentiated forms. The assemblage of kindred long continues to have a qualified semi-political autonomy, with internal government and external obligations and claims. And while family-clusters, losing their definiteness by interfusion, slowly lose their traits as separate independent societies, there descend from them clusters which, in some cases united chiefly by locality and in others chiefly by occupation, inherit their traits, and constitute governing agencies supplementing the purely political ones.

It may be added that these supplementary governing agencies, proper to the militant type of society, dissolve as the industrial type begins to predominate. Defending their members, held responsible for the transgressions of their members, and exercising coercion over their members, they are made needful by, and bear the traits of, a *régime* of chronic antagonisms; and as these die away their *raison d'être* disappears. Moreover, artificially restricting, as they

do, the actions of each member, and also making him responsible for other deeds than his own, they are at variance with that increasing assertion of individuality which accompanies developing industrialism.

CHAPTER XII.

MILITARY SYSTEMS.

§ 515. Indirectly, much has already been said concerning the subject now to be dealt with. Originally identical as is the political organization with the military organization, it has been impossible to treat of the first without touching on the second. After exhibiting the facts under one aspect we have here to exhibit another aspect of them; and at the same time to bring into view classes of related facts thus far unobserved. But, first, let us dwell a moment on the alleged original identity.

In rude societies all adult males are warriors; and, consequently, the army is the mobilized community, and the community is the army at rest, as was remarked in § 259.

With this general truth we may join the general truth that the primitive military gathering is also the primitive political gathering. Alike in savage tribes and in communities like those of our rude ancestors, the assemblies which are summoned for purposes of defence and offence, are the assemblies in which public questions at large are decided.

Next stands the fact, so often named, that in the normal course of social evolution, the military head grows into the political head. This double character of leading warrior and civil ruler, early arising, ordinarily continues through long stages; and where, as not unfrequently happens, military headship becomes in a measure separated from political

headship, continued warfare is apt to cause a re-identification of them.

As societies become compounded and re-compounded, coincidence of military authority with political authority is shown in detail as well as in general—in the parts as in the whole. The minor war-chiefs are also minor civil rulers in their several localities; and the commanding of their respective groups of soldiers in the field, is of like nature with the governing of their respective groups of dependents at home.

Once more, there is the general fact that the economic organizations of primitive communities, coincide with their military organizations. In savage tribes war and hunting are carried on by the same men; while their wives (and their slaves where they have any) do the drudgery of domestic life. And, similarly, in rude societies that have become settled, the military unit and the economic unit are the same. The soldier is also the landowner.

Such, then, being the primitive identity of the political organization with military organization, we have in this chapter to note the ways in which the two differentiate.

§ 516. We may most conveniently initiate the inquiry by observing the change which, during social evolution, takes place in the incidence of military obligations; and by recognizing the accompanying separation of the fighting body from the rest of the community.

Though there are some tribes in which military service (for aggressive war at any rate) is not compulsory, as the Comanches, Dakotas, Chippewas, whose war-chiefs go about enlisting volunteers for their expeditions; yet habitually where political subordination is established, every man not privately possessed as a chattel is bound to fight when called on. There have been, and are, some societies of considerably-advanced structures in which this state of things continues. In ancient Peru the common men were all either actually in the army or formed a reserve occupied in labour; and in modern Siam

the people "are all soldiers, and owe six months' service yearly to their prince." But, usually, social progress is accompanied by a narrowed incidence of military obligation.

When the enslavement of captives is followed by the rearing of their children as slaves, as well as by the consigning of criminals and debtors to slavery—when, as in some cases, there is joined with the slave-class a serf-class composed of subjugated people not detached from their homes; the community becomes divided into two parts, on one of which only does military duty fall. Whereas, in previous stages, the division of the whole society had been into men as fighters and women as workers, the division of workers now begins to include men; and these continue to form an increasing part of the total male population. Though we are told that in Ashantee (where everyone is in fact owned by the king) the slave-population "principally constitutes the military force," and that in Rabbah (among the Fúlahs) the army is composed of slaves liberated "on consideration of their taking up arms;" yet, generally, those in bondage are not liable to military service: the causes being partly distrust of them (as was shown among the Spartans when forced to employ the helots) partly contempt for them as defeated men or the offspring of defeated men, and partly a desire to devolve on others, labours at once necessary and repugnant. Causes aside, however, the evidence proves that the army at this early stage usually coincides with the body of freemen; who are also the body of landowners. This, as before shown in § 458, was the case in Egypt, Greece, Rome, and Germany. How natural is this incidence of military obligation, we see in the facts that in ancient Japan and mediæval India, there were systems of military tenure like that of the middle ages in Europe; and that a kindred connexion had arisen even in societies like those of Tahiti and Samoa.

Extent of estate being a measure of its owner's ability to bear burdens, there grows up a connexion between the amount of land held and the amount of military aid

to be rendered. Thus in Greece under Solon, those whose properties yielded less than a certain revenue were exempt from duty as soldiers, save in emergencies. In Rome, with a view to better adjustment of the relation between means and requirements, there was a periodic "revision of the register of landed property, which was at the same time the levy-roll." Throughout the middle ages this principle was acted upon by proportioning the numbers of warriors demanded to the sizes of the fiefs; and again, afterwards, by requiring from parishes their respective contingents.

A dissociation of military duty from landownership begins when land ceases to be the only source of wealth. The growth of a class of free workers, accumulating property by trade, is followed by the imposing on them, also, of obligations to fight or to provide fighters. Though, as apparently in the cases of Greece and Rome, the possessions in virtue of which citizens of this order at first become liable, are lands in which they have invested; yet, at later stages, they become liable as possessors of other property. Such, at least, is the interpretation we may give to the practice of making industrial populations furnish their specified numbers of warriors; whether, as during the Roman conquests, it took the shape of requiring "rich and populous" towns to maintain cohorts of infantry or divisions of cavalry, or whether, as with chartered towns in mediæval days, there was a contract with the king as suzerain, to supply him with stated numbers of men duly armed.

Later on, the same cause initiates a further change. As fast as industry increases the relative quantity of transferable property, it becomes more easy to compound for service in war; either by providing a deputy or by paying to the ruler a sum which enables him to provide one. Originally the penalty for non-fulfilment of military obligation was loss of lands; then a heavy fine, which, once accepted, it became more frequently the custom to bear; then an habitual compounding for the special services demanded;

then a levying of dues, such as those called scutages, in place of special compositions. Evidently, industrial growth made this change possible; both by increasing the population from which the required numbers of substitutes could be obtained, and by producing the needful floating capital.

So that whereas in savage and semi-civilized communities of warlike kinds, the incidence of military obligation is such that each free man has to serve personally, and also to provide his own arms and provisions; the progress from this state in which industry does but occupy the intervals between wars to a state in which war does but occasionally break the habitual industry, brings an increasing dissociation of military obligation from free citizenship: military obligation at the same time tending to become a pecuniary burden levied in proportion to property of whatever kind. Though where there is a conscription, personal service is theoretically due from each on whom the lot falls, yet the ability to buy a substitute brings the obligation back to a pecuniary one. And though we have an instance in our own day of universal military obligation not thus to be compounded for, we see that it is part of a reversion to the condition of predominant militancy.

§ 517. An aspect of this change not yet noted, is the simultaneous decrease in the ratio which the fighting part of the community bears to the rest. With the transition from nomadic habits to settled habits, there begins an economic resistance to militant action, which increases as industrial life develops, and diminishes the relative size of the military body.

Though in tribes of hunters the men are as ready for war at one time as at another, yet in agricultural societies there obviously exists an impediment to unceasing warfare. In the exceptional case of the Spartans, the carrying on of rural industry was not allowed to prevent daily occupation of all freemen in warlike exercises; but, speaking generally, the sowing and reaping of crops hinder the gathering together

of freemen for offensive or defensive purposes. Hence in course of time come decreased calls on them. The ancient Suevi divided themselves so as alternately to share war-duties and farm-work: each season the active warriors returned to till the land, while their places were "supplied by the husbandmen of the previous year." Alfred established in England a kindred alternation between military service and cultivation of the soil. In feudal times, again, the same tendency was shown by restrictions on the duration and amount of the armed aid which a feudal tenant and his retainers had to give—now for sixty, for forty, for twenty days, down even to four; now alone, and again with specified numbers of followers; here without limit of distance, and there within the bounds of a county. Doubtless, insubordination often caused resistances to service, and consequent limitations of this kind. But manifestly, absorption of the energies in industry, directly and indirectly antagonized militant action; with the result that separation of the fighting body from the general body of citizens was accompanied by a decrease in its relative mass.

There are two cooperating causes for this decrease of its relative mass, which are of much significance. One is the increasing costliness of the soldier, and of war appliances, which goes along with that social progress made possible by industrial growth. In the savage state each warrior provides his own weapons; and, on war excursions, depends on himself for sustenance. At a higher stage this ceases to be the case. When chariots of war, and armour, and siege-implements come to be used, there are presupposed sundry specialized and skilled artizan-classes; implying a higher ratio of the industrial part of the community to the militant part. And when, later on, there are introduced fire-arms, artillery, ironclads, torpedoes, and the like, we see that there must co-exist a large and highly-organized body of producers and distributors; alike to furnish the required powers and bear the entailed cost. That is to say, the war-machinery, both living

and dead, cannot be raised in efficiency without lowering the ratio it bears to those sustaining structures which give it efficiency.

The other cooperating cause which simultaneously comes into play, is directly due to the compounding and re-compounding of societies. The larger nations become, and the greater the distances over which their military actions range, the more expensive do those actions grow. It is with an army as with a limb, the effort to put forth is costly in proportion to the remoteness of the acting parts from the base of operations. Though it is true that a body of victorious invaders may raise some, or the whole, of its supplies from the conquered society, yet before it has effected conquest it cannot do this, but is dependent for maintenance on its own society, of which it then forms an integral part: where it ceases to form an integral part and wanders far away, living on spoils, like Tartar hordes in past ages, we are no longer dealing with social organization and its laws, but with social destruction. Limiting ourselves to societies which, permanently localized, preserve their individualities, it is clear that the larger the integrations formed, the greater is the social strain consequent on the distances at which fighting has to be done; and the greater the amount of industrial population required to bear the strain. Doubtless, improved means of communication may all at once alter the ratio; but this does not conflict with the proposition when qualified by saying—other things equal.

In three ways, therefore, does settled life, and the development of civilization, so increase the economic resistance to militant action, as to cause decrease of the ratio borne by the militant part to the non-militant part.

§ 518. With those changes in the incidence of military obligation which tend to separate the body of soldiers from the body of workers, and with those other changes which tend to diminish its relative size, there go changes

which tend to differentiate it in a further way. The first of these to be noted is the parting of military headship from political headship.

We have seen that the commencement of social organization is the growth of the leading warrior into the civil governor. To illustrative facts before named may be added the fact that an old English ruler, as instance Hengist, was originally called "Here-toga"—literally army-leader; and the office developed into that of king only after settlement in Britain. But with establishment of hereditary succession to political headship, there comes into play an influence which tends to make the chief of the State distinct from the chief of the army. That antagonism between the principle of inheritance and the principle of efficiency, everywhere at work, has from the beginning been conspicuous in this relation, because of the imperative need for efficient generalship. Often, as shown in § 473, there is an endeavour to unite the two qualifications; as, for example, in ancient Mexico, where the king, before being crowned, had to fill successfully the position of commander-in-chief. But from quite early stages we find that where hereditary succession has been established, and there does not happen to be inheritance of military capacity along with political supremacy, it is common for headship of the warriors to become a separate post filled by election. Says Waitz, "among the Guaranis the chieftainship generally goes from father to first-born son. The leader in war is, however, elected." In Ancient Nicaragua "the war-chief was elected by the warriors to lead them, on account of his ability and bravery in battle; but the civil or hereditary chief often accompanies the army." Of the New Zealanders we read that "hereditary chiefs were generally the leaders," but not always: others being chosen on account of bravery. And among the Sakarran Dyaks there is a war-chief, in addition to the ordinary chief. In the case of the Bedouins the original motive has been defeated in a curious way.

"During a campaign in actual warfare, the authority of the sheikh

of the tribe is completely set aside, and the soldiers are wholly under the command of the agyd. . . . The office of agyd is hereditary in a certain family, from father to son; and the Arabs submit to the commands of an agyd, whom they know to be deficient both in bravery and judgment, rather than yield to the orders of their sheikh during the actual expedition; for they say that expeditions headed by the sheikh, are always unsuccessful."

It should be added that in some cases we see coming into play further motives. Forster tells us that in Tahiti the king sometimes resigns the post of commander-in-chief of the fighting force, to one of his chiefs: conscious either of his own unfitness or desirous of avoiding danger. And then in some cases the anxiety of subjects to escape the evils following loss of the political head, leads to this separation; as when, among the Hebrews, "the men of David sware unto him, saying, Thou shalt go no more out with us to battle, that thou quench not the light of Israel;" or as when, in France in 923, the king was besought by the ecclesiastics and nobles who surrounded him, to take no part in the impending fight.

At the same time the ruler, conscious that military command gives great power to its holder, frequently appoints as army-leader his son or other near relative: thus trying to prevent the usurpation so apt to occur (as, to add another instance, it occurred among the Hebrews, whose throne was several times seized by captains of the host). The *Iliad* shows that it was usual for a Greek king to delegate to his heir the duty of commanding his troops. In Merovingian times king's sons frequently led their father's armies; and of the Carolingians we read that while the king commanded the main levy, "over other armies his sons were placed, and to them the business of commanding was afterwards increasingly transferred." It was thus in ancient Japan. When the emperor did not himself command his troops, "this charge was only committed to members of the Imperial house," and "the power thus remained with the sovereign." In ancient Peru there was a like alternative. "The army was

put under the direction of some experienced chief of the royal blood, or, more frequently, headed by the Ynca in person."

The widening civil functions of the political head, obviously prompt this delegation of military functions. But while the discharge of both becomes increasingly difficult as the nation enlarges; and while the attempt to discharge both is dangerous; there is also danger in doing either by deputy. At the same time that there is risk in giving supreme command of a distant army to a general, there is also risk in going with the army and leaving the government in the hands of a vicegerent; and the catastrophes from the one or the other cause, which, spite of precautions, have taken place, show us alike that there is, during social evolution, an inevitable tendency to the differentiation of the military headship from the political headship, but that this differentiation can become permanent only under certain conditions.

The general fact would appear to be that while militant activity is great, and the whole society has the organization appropriate to it, the state of equilibrium is one in which the political head continues to be also the militant head: that in proportion as there grows up, along with industrial life, a civil administration distinguishable from the military administration, the political head tends to become increasingly civil in his functions, and to delegate, now occasionally, now generally, his militant functions; that if there is a return to great militant activity, with consequent reversion to militant structure, there is liable to occur a re-establishment of the primitive type of headship, by usurpation on the part of the successful general—either practical usurpation, where the king is too sacred to be displaced, or complete usurpation where he is not too sacred; but that where, along with decreasing militancy, there goes increasing civil life and administration, headship of the army becomes permanently differentiated from political headship, and subordinated to it.

§ 519. While, in the course of social evolution, there has

been going on this separation of the fighting body from the community at large, this diminution in its relative mass, and this establishment of a distinct headship to it, there has been going on an internal organization of it.

The fighting body is at first wholly without structure. Among savages a battle is a number of single combats: the chief, if there is one, being but the warrior of most mark, who fights like the rest. Through long stages this disunited action continues. The *Iliad* tells of little more than the personal encounters of heroes, which were doubtless multiplied in detail by their unmentioned followers; and after the decay of that higher military organization which accompanied Greek and Roman civilization, this chaotic kind of fighting recurred throughout mediæval Europe. During the early feudal period everything turned on the prowess of individuals. War, says Gautier, consisted of "bloody duels;" and even much later the idea of personal action dominated over that of combined action. But along with political progress, the subjection of individuals to their chief is increasingly shown by fulfilling his commands in battle. Action in the field becomes in a higher degree concerted, by the absorption of their wills in his will.

A like change presently shows itself on a larger scale. While the members of each component group have their actions more and more combined, the groups themselves, of which an army is composed, pass from disunited action to united action. When small societies are compounded into a larger one, their joint body of warriors at first consists of the tribal clusters and family-clusters assembled together, but retaining their respective individualities. The head of each Hottentot kraal, "has the command, under the chief of his nation, of the troops furnished out by his kraal." Similarly, the Malagasy "kept their own respective clans, and every clan had its own leader." Among the Chibchas, "each cazique and tribe came with different signs on their tents, fitted out with the mantles by which they distinguished themselves

from each other." A kindred arrangement existed in early Roman times: the city-army was "distributed into tribes, curiæ, and families." It was so, too, with the Germanic peoples, who, in the field, "arranged themselves, when not otherwise tied, in families and affinities;" or, as is said by Kemble of our ancestors in old English times, "each kindred was drawn up under an officer of its own lineage and appointment, and the several members of the family served together." This organization, or lack of organization, continued throughout the feudal period. In France, in the 14th century, the army was a "horde of independent chiefs, each with his own following, each doing his own will;" and, according to Froissart, the different groups "were so ill-formed" that they did not always know of a discomfiture of the main body.

Besides that increased subordination of local heads to the general head which accompanies political integration, and which must of course precede a more centralized and combined mode of military action, two special causes may be recognized as preparing the way for it.

One of these is unlikeness of kinds in the arms used. Sometimes the cooperating tribes, having habituated themselves to different weapons, come to battle already marked off from one another. In such cases the divisions by weapons correspond with the tribal divisions; as seems to have been to some extent the case with the Hebrews, among whom the men of Benjamin, of Gad, and of Judah, were partially thus distinguished. But, usually, the unlikenesses of arms consequent on unlikenesses of rank, initiate these military divisions which tend to traverse the divisions arising from tribal organization. The army of the ancient Egyptians included bodies of charioteers, of cavalry, and of foot; and the respective accoutrements of the men forming these bodies, differing in their costliness, implied differences of social position. The like may be said of the Assyrians. Similarly, the *Iliad* shows us among the early Greeks a state in which the

contrasts in weapons due to contrasts in wealth, had not yet resulted in differently-armed bodies, such as are formed at later stages with decreasing regard for tribal or local divisions. And it was so in Western Europe during times when each feudal superior led his own knights, and his followers of inferior grades and weapons. Though within each group there were men differing alike in their rank and in their arms, yet what we may call the vertical divisions between groups were not traversed by those horizontal divisions throughout the whole army, which unite all who are similarly armed. This wider segregation it is, however, which we observe taking place with the advance of military organization. The supremacy acquired by the Spartans was largely due to the fact that Lykurgus "established military divisions quite distinct from the civil divisions, whereas in the other states of Greece, until a period much later . . . the two were confounded—the hoplites or horsemen of the same tribe or ward being marshalled together on the field of battle." With the progress of the Roman arms there occurred kindred changes. The divisions came to be related less to rank as dependent on tribal organization, and more to social position as determined by property; so that the kinds of arms to be borne and the services to be rendered, were regulated by the sizes of estates, with the result of "merging all distinctions of a gentile and local nature in the one common levy of the community." In the field, divisions so established stood thus:—

"The four first ranks of each phalanx were formed of the full-armed hoplites of the first class, the holders of an entire hide [?]; in the fifth and sixth were placed the less completely equipped farmers of the second and third class; the two last classes were annexed as rear ranks to the phalanx.

And though political distinctions of clan-origin were not thus directly disregarded in the cavalry, yet they were indirectly interfered with by the addition of a larger troop of non-burgess cavalry. That a system of divisions which tends to obliterate those of rank and locality, has been reproduced

during the re-development of military organization in modern times, is a familiar fact.

A concomitant cause of this change has all along been that interfusion of the gentile and tribal groups entailed by aggregation of large numbers. As before pointed out, the Kleisthenian re-organization in Attica, and the Servian re-organization in Rome, were largely determined by the impracticability of maintaining the correspondence between tribal divisions and military obligations; and a redistribution of military obligations naturally proceeded on a numerical basis. By various peoples, we find this step in organization taken for civil purposes or military purposes, or both. To cases named in § 512, may be added that of the Hebrews, who were grouped into tens, fifties, hundreds and thousands. Even the barbarous Araucanians divided themselves into regiments of a thousand, sub-divided into companies of a hundred. Evidently numerical grouping conspires with classing by arms to obliterate the primitive divisions.

This transition from the state of incoherent clusters, each having its own rude organization, to the state of a coherent whole, held together by an elaborate organization running throughout it, of course implies a concomitant progress in the centralization of command. As the primitive horde becomes more efficient for war in proportion as its members grow obedient to the orders of its chief; so, the army formed of aggregated hordes becomes more efficient in proportion as the chiefs of the hordes fall under the power of one supreme chief. And the above-described transition from aggregated tribal and local groups to an army formed of regular divisions and sub-divisions, goes along with the development of grades of commanders, successively subordinated one to another. A controlling system of this kind is developed by the uncivilized, where considerable military efficiency has been reached; as at present among the Araucanians, the Zulus, the Uganda people, who have severally three grades of officers; as in the past among the ancient Peruvians and

ancient Mexicans, who had respectively several grades; and as also among the ancient Hebrews.

§ 520. One further general change has to be noticed—the change from a state in which the army now assembles and now disperses, as required, to a state in which it becomes permanently established.

While, as among savages, the male adults are all warriors, the fighting body, existing in its combined form only during war, becomes during peace a dispersed body carrying on in parties or separately, hunting and other occupations; and similarly, as we have seen, during early stages of settled life the armed freemen, owning land jointly or separately, all having to serve as soldiers when called on, return to their farming when war is over: there is no standing army. But though after the compounding of small societies into larger ones by war, and the rise of a central power, a kindred system long continues, there come the beginnings of another system. Of course, irrespective of form of government, frequent wars generate permanent military forces; as they did in early times among the Spartans; as later among the Athenians; and as among the Romans, when extension of territory brought frequent needs for repressing rebellions. Recognizing these cases, we may pass to the more usual cases, in which a permanent military force originates from the body of armed attendants surrounding the ruler. Early stages show us this nucleus. In Tahiti the king or chief had warriors among his attendants; and the king of Ashantee has a body-guard clad in skins of wild beasts—leopards, panthers, &c. As was pointed out when tracing the process of political differentiation, there tend everywhere to gather round a predominant chieftain, refugees and others who exchange armed service for support and protection; and so enable the predominant chieftain to become more predominant. Hence the *comites* attached to the *princeps* in the early German community, the húscarlas or housecarls surrounding old English

kings, and the antrustions of the Merovingian rulers. These armed followers displayed in little, the characters of a standing army; not simply as being permanently united, but also as being severally bound to their prince or lord by relations of personal fealty, and as being subject to internal government under a code of martial law, apart from the government of the freemen; as was especially shown in the large assemblage of them, amounting to 6,000, which was formed by Cnut.

In this last case we see how small body-guards, growing as the conquering chief or king draws to his standard adventurers, fugitive criminals, men who have fled from injustice, &c., pass unobtrusively into troops of soldiers who fight for pay. The employment of mercenaries goes back to the earliest times—being traceable in the records of the Egyptians at all periods; and it continues to re-appear under certain conditions: a primary condition being that the ruler shall have acquired a considerable revenue. Whether of home origin or foreign origin, these large bodies of professional soldiers can be maintained only by large pecuniary means; and, ordinarily, possession of these means goes along with such power as enables the king to exact dues and fines. In early stages the members of the fighting body, when summoned for service, have severally to provide themselves not only with their appropriate arms, but also with the needful supplies of all kinds: there being, while political organization is little developed, neither the resources nor the administrative machinery required for another system. But the economic resistance to militant action, which, as we have seen, increases as agricultural life spreads, leading to occasional non-attendance, to confiscations, to heavy fines in place of confiscations, then to fixed money-payments in place of personal services, results in the growth of a revenue which serves to pay professional soldiers in place of the vassals who have compounded. And it then becomes possible, instead of hiring many such substitutes for short times, to hire a smaller

number continuously—so adding to the original nucleus of a permanent armed force. Every further increase of royal power, increasing the ability to raise money, furthers this differentiation. As Ranke remarks of France, "standing armies, imposts, and loans, all originated together."

Of course the primitive military obligation falling on all freemen, long continues to be shown in modified ways. Among ourselves, for instance, there were the various laws under which men were bound, according to their incomes, to have in readiness specified supplies of horses, weapons, and accoutrements, for themselves and others when demanded. Afterwards came the militia-laws, under which there fell on men in proportion to their means, the obligations to provide duly armed horse-soldiers or foot-soldiers, personally or by substitute, to be called out for exercise at specified intervals for specified numbers of days, and to be provided with subsistence. There may be instanced, again, such laws as those under which in France, in the 15th century, a corps of horsemen was formed by requiring all the parishes to furnish one each. And there are the various more modern forms of conscription, used, now to raise temporary forces, and now to maintain a permanent army. Everywhere, indeed, freemen remain potential soldiers when not actual soldiers.

§ 521. Setting out with that undifferentiated state of the body politic in which the army is co-extensive with the adult male population, we thus observe several ways in which there goes on the evolution which makes it a specialized part.

There is the restriction in relative mass, which, first seen in the growth of a slave-population, engaged in work instead of war, becomes more decided as a settled agricultural life occupies freemen, and increases the obstacles to military service. There is, again, the restriction caused by that growing costliness of the individual soldier accompanying

the development of arms, accoutrements, and ancillary appliances of warfare. And there is the yet additional restriction caused by the intenser strain which military action puts on the resources of a nation, in proportion as it is carried on at a greater distance.

With separation of the fighting body from the body-politic at large, there very generally goes acquirement of a separate head. Active militancy ever tends to maintain union of civil rule with military rule, and often causes re-union of them where they have become separate; but with the primary differentiation of civil from military structures, is commonly associated a tendency to the rise of distinct controlling centres for them. This tendency, often defeated by usurpation where wars are frequent, takes effect under opposite conditions; and then produces a military head subordinate to the civil head.

While the whole society is being developed by differentiation of the army from the rest, there goes on a development within the army itself. As in the primitive horde the progress is from the uncombined fighting of individuals to combined fighting under direction of a chief; so, on a larger scale, when small societies are united into great ones, the progress is from the independent fighting of tribal and local groups, to fighting under direction of a general commander. And to effect a centralized control, there arises a graduated system of officers, replacing the set of primitive heads of groups, and a system of divisions which, traversing the original divisions of groups, establish regularly-organized masses having different functions.

With developed structure of the fighing body comes permanence of it. While, as in early times, men are gathered together for small wars and then again dispersed, efficient organization of them is impracticable. It becomes practicable only among men who are constantly kept together by wars or preparations for wars; and bodies of such men growing up, replace the temporarily-summoned bodies.

Lastly, we must not omit to note that while the army becomes otherwise distinguished, it becomes distinguished by retaining and elaborating the system of status; though in the rest of the community, as it advances, the system of contract is spreading and growing definite. Compulsory cooperation continues to be the principle of the military part, however widely the principle of voluntary cooperation comes into play throughout the civil part.

CHAPTER XIII.

JUDICIAL AND EXECUTIVE SYSTEMS.

§ 522. That we may be prepared for recognizing the primitive identity of military institutions with institutions for administering justice, let us observe how close is the kinship between the modes of dealing with external aggression and internal aggression, respectively.

We have the facts, already more than once emphasized, that at first the responsibilities of communities to one another are paralleled by the responsibilities to one another of family-groups within each community; and that the kindred claims are enforced in kindred ways. Various savage tribes show us that, originally, external war has to effect an equalization of injuries, either directly in kind or indirectly by compensations. Among the Chinooks, "has the one party a larger number of dead than the other, indemnification must be made by the latter, or the war is continued;" and among the Arabs "when peace is to be made, both parties count up their dead, and the usual blood-money is paid for excess on either side." By which instances we are shown that in the wars between tribes, as in the family-feuds of early times, a death must be balanced by a death, or else must be compounded for; as it once was in Germany and in England, by specified numbers of sheep and cattle, or by money.

Not only are the wars which societies carry on to effect the righting of alleged wrongs, thus paralleled by family-feuds in the respect that for retaliation in kind there may be substi-

tuted a penalty adjudged by usage or authority; but they are paralleled by feuds between individuals in the like respect. From the first stage in which each man avenges himself by force on a transgressing neighbour, as the whole community does on a transgressing community, the transition is to a stage in which he has the alternative of demanding justice at the hands of the ruler. We see this beginning in such places as the Sandwich Islands, where an injured person who is too weak to retaliate, appeals to the king or principal chief; and in quite advanced stages, option between the two methods of obtaining redress survives. The feeling shown down to the 13th century by Italian nobles, who "regarded it as disgraceful to submit to laws rather than do themselves justice by force of arms," is traceable throughout the history of Europe in the slow yielding of private rectification of wrongs to public arbitration. "A capitulary of Charles the Bald bids them [the freemen] go to court armed as for war, for they might have to fight for their jurisdiction;" and our own history furnishes an interesting example in the early form of an action for recovering land: the "grand assize" which tried the cause, originally consisted of knights armed with swords. Again we have evidence in such facts as that in the 12th century in France, legal decisions were so little regarded that trials often issued in duels. Further proof is yielded by such facts as that judicial duels (which were the authorized substitutes for private wars between families) continued in France down to the close of the 14th century; that in England, in 1768, a legislative proposal to abolish trial by battle, was so strongly opposed that the measure was dropped; and that the option of such trial was not disallowed till 1819.

We may observe, also, that this self-protection gradually gives place to protection by the State, only under stress of public needs—especially need for military efficiency. Edicts of Charlemagne and of Charles the Bald, seeking to stop the disorders consequent on private wars, by insisting on appeals to the ordained authorities, and threatening punishment of

those who disobeyed, sufficiently imply the motive; and this motive was definitely shown in the feudal period in France, by an ordinance of 1296, which "prohibits private wars and judicial duels so long as the king is engaged in war."

Once more the militant nature of legal protection is seen in the fact that, as at first, so now, it is a replacing of individual armed force by the armed force of the State—always in reserve if not exercised. "The sword of justice" is a phrase sufficiently indicating the truth that action against the public enemy and action against the private enemy are in the last resort the same.

Thus recognizing the original identity of the functions, we shall be prepared for recognizing the original identity of the structures by which they are carried on.

§ 523. For that primitive gathering of armed men which, as we have seen, is at once the council of war and the political assembly, is at the same time the judicial body.

Of existing savages the Hottentots show this. The court of justice "consists of the captain and all the men of the kraal. . . . 'Tis held in the open fields, the men squatting in a circle. . . . All matters are determined by a majority." . . . If the prisoner is "convicted, and the court adjudges him worthy of death, sentence is executed upon the spot." The captain is chief executioner, striking the first blow; and is followed up by others. The records of various historic peoples yield evidence of kindred meaning. Taking first the Greeks in Homeric days, we read that "sometimes the king separately, sometimes the kings or chiefs or Gerontes, in the plural number, are named as deciding disputes and awarding satisfaction to complainants; always however in public, in the midst of the assembled agora," in which the popular sympathies were expressed: the meeting thus described, being the same with that in which questions of war and peace were debated. That in its early form the Roman gathering of "spearmen," asked by the king to

say "yes" or "no" to a proposed military expedition or to some State-measure, also expressed its opinion concerning criminal charges publicly judged, is implied by the fact that "the king could not grant a pardon, for that privilege was vested in the community alone." Describing the gatherings of the primitive Germans, Tacitus says:—"The multitude sits armed in such order as it thinks good . . . It is lawful also in the Assembly to bring matters for trial and to bring charges of capital crimes . . . In the same assembly chiefs are chosen to administer justice throughout the districts and villages. Each chief in so doing has a hundred companions of the commons assigned to him, to strengthen at once his judgment and his dignity." A kindred arrangement is ascribed by Lelevel to the Poles in early times, and to the Slavs at large. Among the Danes, too, "in all secular affairs, justice was administered by the popular tribunal of the Lands-Ting for each province, and by the Herreds-Ting for the smaller districts or sub-divisions." Concerning the Irish in past times, Prof. Leslie quotes Spenser to the effect that it was their usage "to make great assemblies together upon a rath or hill, there to parley about matters and wrongs between township and township, or one private person and another." And then there comes the illustration furnished by old English times. The local moots of various kinds had judicial functions; and the witenagemót sometimes acted as a high court of justice.

Interesting evidence that the original military assembly was at the same time the original judicial assembly, is supplied by the early practice of punishing freemen for non-attendance. Discharge of military obligation being imperative the fining of those who did not come to the armed gathering naturally followed; and fining for absence having become the usage, survived when, as for judicial purposes, the need for the presence of all was not imperative. Thence the interpretation of the fact that non-attendance at the hundred-court was thus punishable.

In this connexion it may be added that, in some cases

where the primitive form continued, there was manifested an incipient differentiation between the military assembly and the judicial assembly. In the Carolingian period, judicial assemblies began to be held under cover; and freemen were forbidden to bring their arms. As was pointed out in § 491, among the Scandinavians no one was allowed to come armed when the meeting was for judicial purposes. And since we also read that in Iceland it was disreputable (not punishable) for a freeman to be absent from the annual gathering, the implication is that the imperativeness of attendance diminished with the growing predominance of civil functions.

§ 524. The judicial body being at first identical with the politico-military body, has necessarily the same triune structure; and we have now to observe the different forms it assumes according to the respective developments of its three components. We may expect to find kinship between these forms and the concomitant political forms.

Where, with development of militant organization, the power of the king has become greatly predominant over that of the chiefs and over that of the people, his supremacy is shown by his judicial absoluteness, as well as by his absoluteness in political and military affairs. Such shares as the elders and the multitude originally had in trying causes, almost or quite disappear. But though in these cases the authority of the king as judge, is unqualified by that of his head men and his other subjects, there habitually survive traces of the primitive arrangement. For habitually his decisions are given in public and in the open air. Petitioners for justice bring their cases before him when he makes his appearance out of doors, surrounded by his attendants and by a crowd of spectators; as we have seen in § 372 that they do down to the present day in Kashmere. By the Hebrew rulers, judicial sittings were held "in the gates"—the usual meeting-places of Eastern peoples. Among the early Romans the king administered justice "in the place of

public assembly, sitting on a 'chariot seat.'" Mr. Gomme's *Primitive Folk-Moots* contains sundry illustrations showing that among the Germans in old times, the Königs-stuhl, or king's judgment-seat, was on the green sward; that in other cases the stone steps at the town-gates constituted the seat before which causes were heard by him; and that again, in early French usage, trials often took place under trees. According to Joinville this practice long continued in France.

"Many a time did it happen that, in summer, he [Lewis IX] would go and sit in the forest of Vincennes after mass; and would rest against an oak, and make us sit round him . . . he asked them with his own mouth, 'Is there any one who has a suit?' . . . I have seen him sometimes in summer come to hear his people's suits in the garden of Paris."

And something similar occurred in Scotland under David I. All which customs among various peoples, imply survival of the primitive judicial assembly, changed only by concentration in its head of power originally shared by the leading men and the undistinguished mass.

Where the second component of the triune political structure becomes supreme, this in its turn monopolizes judicial functions. Among the Spartans the oligarchic senate, and in a measure the smaller and chance-selected oligarchy constituted by the ephors, joined judicial functions with their political functions. Similarly in Athens under the aristocratic rule of the Eupatridæ, we find the Areopagus formed of its members, discharging, either itself or through its nine chosen Archons, the duties of deciding causes and executing decisions. In later days, again, we have the case of the Venetian council of ten. And then, certain incidents of the middle ages instructively show us one of the processes by which judicial power, as well as political power, passes from the hands of the freemen at large into the hands of a smaller and wealthier class. In the Carolingian period, besides the bi-annual meetings of the hundred-court, it was—

"convoked at the *Graf's* will and pleasure, to try particular cases . . . in the one case, as in the other, non-attendance was punished . . . it was found that the *Grafs* used their right to summon these extraordinary

Courts in excess, with a view, by repeated fines and amercements, to ruin the small freeholders, and thus to get their abodes into their own hands. Charlemagne introduced a radical law-reform . . . the great body of the freemen were released from attendance at the *Gebotene Dinge*, at which, from thenceforth, justice was to be administered under the presidency, *ex officio*, of the *Centenar*, by . . . permanent jurymen . . . chosen *de melioribus—i.e.*, from the more well-to-do freemen."

But in other cases, and especially where concentration in a town renders performance of judicial functions less burdensome, we see that along with retention or acquirement of predominant power by the third element in the triune political structure, there goes exercise of judicial functions by it. The case of Athens, after the replacing of oligarchic rule by democratic rule, is, of course, the most familiar example of this. The Kleisthenian revolution made the annually-appointed magistrates personally responsible to the people judicially assembled; and when, under Perikles, there were established the dikasteries, or courts of paid jurors chosen by lot, the administration of justice was transferred almost wholly to the body of freemen, divided for convenience into committees. Among the Frieslanders, who in early times were enabled by the nature of their habitat to maintain a free form of political organization, there continued the popular judicial assembly:—"When the commons were summoned for any particular purpose, the assembly took the name of the Bodthing. The bodthing was called for the purpose of passing judgment in cases of urgent necessity." And M. de Laveleye, describing the Teutonic mark as still existing in Holland, "especially in Drenthe," a tract "surrounded on all sides by a marsh and bog" (again illustrating the physical conditions favourable to maintenance of primitive free institutions), goes on to say of the inhabitants as periodically assembled:—

"They appeared in arms; and no one could absent himself, under pain of a fine. This assembly directed all the details as to the enjoyment of the common property; appointed the works to be executed; imposed pecuniary penalties for the violation of rules, and nominated the officers charged with the executive power."

The likeness between the judicial form and the political form is further shown where the government is neither despotic nor oligarchic, nor democratic, but mixed. For in our own case we see a system of administering justice which, like the political system, unites authority that is in a considerable degree irresponsible, with popular authority. In old English times a certain power of making and enforcing local or " bye-laws " was possessed by the township; and in more important and definite ways the hundred-moot and the shire-moot discharged judicial and executive functions: their respective officers being at the same time elected. But the subsequent growth of feudal institutions, followed by the development of royal power, was accompanied by diminution of the popular share in judicial business, and an increasing assignment of it to members of the ruling classes and to agents of the crown. And at present we see that the system, as including the power of juries (which arose by selection of representative men, though not in the interest of the people), is in part popular; that in the summary jurisdiction of unpaid magistrates who, though centrally appointed, mostly belong to the wealthy classes, and especially the landowners, it is in part aristocratic; that in the regal commissioning of judges it continues monarchic; and that yet, as the selection of magistrates and judges is practically in the hands of a ministry executing, on the average, the public will, royal power and class-power in the administration of justice are exercised under popular control.

§ 525. A truth above implied and now to be definitely observed, is that along with the consolidation of small societies into large ones effected by war, there necessarily goes an increasing discharge of judicial functions by deputy.

As the primitive king is very generally himself both commander-in-chief and high priest, it is not unnatural that his delegated judicial functions should be fulfilled both by priests and soldiers. Moreover, since the consultative body, where it becomes established and separated from the multi-

tude, habitually includes members of both these classes, such judicial powers as it exercises cannot at the outset be monopolized by members of either. And this participation is further seen to arise naturally on remembering how, as before shown, priests have in so many societies united military functions with clerical functions; and how, in other cases, becoming local rulers, having the same tenures and obligations with purely military local rulers, they acquire, in common with them, local powers of judgment and execution; as did mediæval prelates. Whether the ecclesiastical class or the class of warrior-chiefs acquires judicial predominance, probably depends mainly on the proportion between men's fealty to the successful soldier, and their awe of the priest as a recipient of divine communications.

Among the Zulus, who, with an undeveloped mythology, have no great deities and resulting organized priesthood, the king "shares his power with two soldiers of his choice. These two form the supreme judges of the country." Similarly with the Eggarahs (Inland Negroes), whose fetish-men do not form an influential order, the first and second judges are "also commanders of the forces in time of war." Passing to historic peoples, we have in Attica, in Solon's time, the nine archons, who, while possessing a certain sacredness as belonging to the Eupatridæ, united judicial with military functions—more especially the polemarch. In ancient Rome, that kindred union of the two functions in the consuls, who called themselves indiscriminately, *prætores* or *judices*, naturally resulted from their inheritance of both functions from the king they replaced; but beyond this there is the fact that though the pontiffs had previously been judges in secular matters as well as in sacred matters, yet, after the establishment of the republic, the several orders of magistrates were selected from the non-clerical patricians,—the original soldier-class. And then throughout the middle ages in Europe, we have the local military chiefs, whether holding positions like those of old English thanes or like those of feudal

barons, acting as judges in their respective localities. Perhaps the clearest illustration is that furnished by Japan, where a long-continued and highly-developed military *régime*, has been throughout associated with the monopoly of judicial functions by the military class: the apparent reason being that in presence of the god-descended Mikado, supreme in heaven as on earth, the indigenous Shinto religion never developed a divine ruler whose priests acquired, as his agents, an authority competing with terrestrial authority.

But mostly there is extensive delegation of judicial powers to the sacerdotal class, in early stages. We find it among existing uncivilized peoples, as the Kalmucks, whose priests, besides playing a predominant part in the greatest judicial council, exercise local jurisdiction: in the court of each subordinate chief, one of the high priests is head judge. Of extinct uncivilized or semi-civilized peoples, may be named the Indians of Yucatan, by whom priests were appointed as judges in certain cases—judges who took part in the execution of their own sentences. Originally, if not afterwards, the giving of legal decisions was a priestly function in ancient Egypt; and that the priests were supreme judges among the Hebrews is a familiar fact: the Deuteronomic law condemning to death any one who disregarded their verdicts. In that general assembly of the ancient Germans which, as we have seen, exercised judicial powers, the priests were prominent; and, according to Tacitus, in war "none but the priests are permitted to judge offenders, to inflict bonds or stripes; so that chastisement appears not as an act of military discipline, but as the instigation of the god whom they suppose present with warriors." In ancient Britain, too, according to Cæsar, the Druids alone had authority to decide in both civil and criminal cases, and executed their own sentences: the penalty for disobedience to them being excommunication. Grimm tells us that the like held among the Scandinavians. "In their judicial character the priests seemed to have exercised a good deal of control over the people . . . In Iceland, even

under Christianity, the judges retained the name and several of the functions of heathen goðar." And then we have the illustration furnished by that rise of ecclesiastics to the positions of judges throughout mediæval Europe, which accompanied belief in their divine authority. When, as during the Merovingian period and after, "the fear of hell, the desire of winning heaven," and other motives, prompted donations and bequests to the Church, till a large part of the landed property fell into its hands—when there came increasing numbers of clerical and semi-clerical dependents of the Church, over whom bishops exercised judgment and discipline—when ecclesiastical influence so extended itself that, while priests became exempt from the control of laymen, lay authorities became subject to priests; there was established a judicial power of this divinely-commissioned class to which even kings succumbed. So was it in England too. Before the Conquest, bishops had become the assessors of ealdormen in the scire-gemót, and gave judgments on various civil matters. With that recrudescence of military organization which followed the Conquest, came a limitation of their jurisdiction to spiritual offences and causes concerning clerics. But in subsequent periods ecclesiastical tribunals, bringing under canon law numerous ordinary transgressions, usurped more and more the duties of secular judges: their excommunications being enforced by the temporal magistrates. Moreover, since prelates as feudal nobles were judges in their respective domains; and since many major and minor judicial offices in the central government were filled by prelates; it resulted that the administration of justice was largely, if not mainly, in the hands of priests.

This sharing of delegated judicial functions between the military class and the priestly class, with predominance here of the one and there of the other, naturally continued while there was no other class having wealth and influence. But with the increase of towns and the multiplication of traders, who accumulated riches and acquired education, previously

possessed only by ecclesiastics, judicial functions fell more and more into their hands. Sundry causes conspired to produce this transfer. One was lack of culture among the nobles, and their decreasing ability to administer laws, ever increasing in number and in complexity. Another was the political unfitness of ecclesiastics, who grew distasteful to rulers in proportion as they pushed further the powers and privileges which their supposed divine commission gave them. Details need not detain us. The only general fact needing to be emphasized, is that this transfer ended in a differentiation of structures. For whereas in earlier stages, judicial functions were discharged by men who were at the same time either soldiers or priests, they came now to be discharged by men exclusively devoted to them.

§ 526. Simultaneously, the evolution of judicial systems is displayed in several other ways. One of them is the addition of judicial agents who are locomotive to the pre-existing stationary judicial agents.

During the early stages in which the ruler administers justice in person, he does this now in one place and now in another; according as affairs, military or judicial, carry him to this or that place in his kingdom. Societies of various types in various times yield evidence. Historians of ancient Peru tell us that "the Ynca gave sentence according to the crime, for he alone was judge wheresoever he resided, and all persons wronged had recourse to him." Of the German emperor in the 12th century we read that "not only did he receive appeals, but his presence in any duchy or county suspended the functions of the local judges." France in the 15th century supplies an instance. King Charles "spent two or three years in travelling up and down the kingdom . . . maintaining justice to the satisfaction of his subjects." In Scotland something similar was done by David I., who "settled marches, forest rights, and rights of pasture:" himself making the marks which recorded his

decisions, or seeing them made. In England, "Edgar and Canute had themselves made judicial circuits;" and there is good evidence of such judicial travels in England up to the time of the Great Charter. Sir Henry Maine has quoted documents showing that King John, in common with earlier kings, moved about the country with great activity, and held his court wherever he might happen to be.

Of course with the progress of political integration and consequent growing power of the central ruler, there come more numerous cases in which appeal is made to him to rectify the wrongs committed by local rulers; and as State-business at large augments and complicates, his inability to do this personally leads to doing it by deputy. In France, in Charlemagne's time, there were the "Missi Regii, who held assizes from place to place;" and then, not forgetting that during a subsequent period the chief heralds in royal state, as the king's representatives, made circuits to judge and punish transgressing nobles, we may pass to the fact that in the later feudal period, when the business of the king's court became too great, commissioners were sent into the provinces to judge particular cases in the king's name: a method which does not appear to have been there developed further. But in England, in Henry II.'s time, kindred causes prompted kindred steps which initiated a permanent system. Instead of listening to the increasing number of appeals made to his court, personally or through his lieutenant the justiciar, the king commissioned his constable, chancellor, and co-justiciar to hear pleas in the different counties. Later, there came a larger number of these members of the central judicial court who made these judicial journeys: part of them being clerical and part military. And hence eventually arose the established circuits of judges who, like their prototypes, had to represent the king and exercise supreme authority.

It should be added that here again we meet with proofs that in the evolution of arrangements conducing to the maintenance of individual rights, the obligations are primary and

the claims derived. For the business of these travelling judges, like the business of the king's court by which they were commissioned, was primarily fiscal and secondarily judicial. They were members of a central body that was at once Exchequer and *Curia Regis*, in which financial functions at first predominated; and they were sent into the provinces largely, if not primarily, for purposes of assessment: as instance the statement that in 1168, "the four Exchequer officers who assessed the aid *pur fille marier*, acted not only as taxers but as judges." In which facts we see harmony with those before given, showing that support of the ruling agency precedes obtainment of protection from it.

§ 527. With that development of a central government which accompanies consolidation of small societies into a large one, and with the consequent increase of its business, entailing delegation of functions, there goes, in the judicial organization as in the other organizations, a progressive differentiation. The evidence of this is extremely involved; both for the reason that in most cases indigenous judicial agencies have been subordinated but not destroyed by those which conquest has originated, and for the reason that kinds of power, as well as degrees of power, have become distinguished. A few leading traits only of the process can here be indicated.

The most marked differentiation, already partially implied, is that between the lay, the ecclesiastical, and the military tribunals. From those early stages in which the popular assembly, with its elders and chief, condemned military defaulters, decided on ecclesiastical questions, and gave judgments about offences, there has gone on a divergence which, accompanied by disputes and struggles concerning jurisdiction, has parted ecclesiastical courts and courts martial from the courts administering justice in ordinary civil and criminal cases. Just recognizing these cardinal specializations, we may limit our attention to the further specializations which have taken place within the last of the three structures.

Originally the ruler, with or without the assent of the assembled people, not only decides: he executes his decisions, or sees them executed. For example, in Dahomey the king stands by, and if the deputed officer does not please him, takes the sword out of his hand and shows him how to cut off a head. An account of death-punishment among the Bedouins ends with the words—"the executioner being the sheikh himself." Our own early history affords traces of personal executive action by the king; for there came a time when he was interdicted from arresting any one himself, and had thereafter to do it in all cases by deputy. And this interprets for us the familiar truth that, through his deputies the sheriffs, who are bound to act personally if they cannot themselves find deputies, the monarch continues to be theoretically the agent who carries the law into execution: a truth further implied by the fact that execution in criminal cases, nominally authorized by him though actually by his minister, is arrested if his assent is withheld by his minister. And these facts imply that a final power of judgment remains with the monarch, notwithstanding delegation of his judicial functions. How this happens we shall see on tracing the differentiation.

Naturally, when a ruler employs assistants to hear complaints and redress grievances, he does not give them absolute authority; but reserves the power of revising their decisions. We see this even in such rude societies as that of the Sandwich Islands, where one who is dissatisfied with the decision of his chief may appeal to the governor, and from the governor to the king; or as in ancient Mexico, where "none of the judges were allowed to condemn to death without communicating with the king, who had to pass the sentence." And the principle holds where the political headship is compound instead of simple. "When the hegemony of Athens became, in fact, more and more a dominion, the civic body of Attica claimed supreme judicial authority over all the allies. The federal towns only retained their lower

courts." Obviously by such changes are produced unlikenesses of degree and differences of kind in the capacities of judicial agencies. As political subordination spreads, the local assemblies which originally judged and executed in cases of all kinds, lose part of their functions; now by restriction in range of jurisdiction, now by subjection of their decisions to supervision, now by denial of executive power. To trace up the process from early stages, as for instance from the stage in which the old English tything-moot discharged administrative, judicial, and executive functions, or from the stage in which the courts of feudal nobles did the like, is here alike impracticable and unnecessary. Reference to such remnants of power as vestries and manorial courts possess, will sufficiently indicate the character of the change. But along with degradation of the small and local judicial agencies, goes development of the great and central ones; and about this something must be said.

Returning to the time when the king with his servants and chief men, surrounded by the people, administers justice in the open air, and passing to the time when his court, held more frequently under cover and consequently with less of the popular element, still consists of king as president and his household officers with other appointed magnates as counsellors (who in fact constitute a small and permanent part of that general consultative body occasionally summoned); we have to note two causes which cooperate to produce a division of these remaining parts of the original triune body—one cause being the needs of subjects, and the other the desire of the king. So long as the king's court is held wherever he happens to be, there is an extreme hindrance to the hearing of suits, and much entailed loss of money and time to suitors. To remedy this evil came, in our own case, the provision included in the Great Charter that the common pleas should no longer follow the king's court, but be held in some certain place. This place was fixed in the palace of Westminster. And then as Blackstone points out—

"This precedent was soon after copied by King Philip the Fair in France, who about the year 1302, fixed the parliament of Paris to abide constantly in that metropolis; which before used to follow the person of the king wherever he went . . . And thus also, in 1495, the Emperor Maximilian I. fixed the imperial chamber, which before always travelled with the court and household, to be constantly at Worms."

As a sequence of these changes it of course happens that suits of a certain kind come habitually to be decided without the king's presence: there results a permanent transfer of part of his judicial power. Again, press of business or love of ease prompts the king himself to hand over such legal matters as are of little interest to him. Thus in France, while we read that Charles V., when regent, sat in his council to administer justice twice a week, and Charles VI. once, we also read that in 1370 the king declared he would no longer try the smaller causes personally. Once initiated and growing into a usage, this judging by commission, becoming more frequent as affairs multiply, is presently otherwise furthered: there arises the doctrine that the king ought not, at any rate in certain cases, to join in judgment. Thus "at the trial of the duke of Brittany in 1378, the peers of France protested against the presence of the king." Again "at the trial of the Marquis of Saluces, under Francis I., that monarch was made to see that he could not sit." When Lewis XIII. wished to be judge in the case of the Duke de la Valette, he was resisted by the judges, who said that it was without precedent. And in our own country there came a time when "James I. was informed by the judges that he had the right to preside in the court, but not to express his opinion:" a step towards that exclusion finally reached.

While the judicial business of the political head thus lapses into the hands of appointed agencies, these agencies themselves, severally parting with certain of their functions one to another, become specialized. Among ourselves, even before there took place the above-named separation of the permanently-localized court of common pleas, from the king's court which moved about with him, there had arisen within

the king's court an incipient differentiation. Causes concerning revenue were dealt with in sittings distinguished from the general sittings of the king's court, by being held in another room; and establishment of this custom produced a division. Adaptation of its parts to unlike ends led to divergence of them; until, out of the original *Curia Regis*, had come the court of exchequer and the court of common pleas; leaving behind the court of king's bench as a remnant of the original body. When the office of justiciar (who, representing the king in his absence, presided over these courts) was abolished, the parting of them became decided; and though, for a length of time, competition for fees led to trenching on one another's functions, yet, eventually, their functions became definitely marked off. A further important development, different but allied, took place. We have seen that when appointing others to judge for him, the king reserves the power of deciding in cases which the law has not previously provided for, and also the power of supervising the decisions made by his deputies. Naturally this power comes to be especially used to over-ride decisions which, technically according to law, are practically unjust: the king acquires an equity jurisdiction. At first exercised personally, this jurisdiction is liable to be deputed; and in our own case was so. The chancellor, one of the king's servants, who "as a baron of the exchequer and as a leading member of the curia" had long possessed judicial functions, and who was the officer to present to the king petitions concerning these "matters of grace and favour," became presently himself the authority who gave decisions in equity qualifying the decisions of law; and thus in time resulted the court of chancery. Minor courts with minor functions also budded out from the original *Curia Regis*. This body included the chief officers of the king's household, each of whom had a jurisdiction in matters pertaining to his special business; and hence resulted the court of the chamberlain, the court of the steward, the court of the earl marshal (now

at Herald's College), the court of the constable (no longer extant), the court of the admiral, &c.

In brief, then, we find proofs that, little trace as its structure now shows of such an origin, our complex judicial system, alike in its supreme central parts and in its various small local parts, has evolved by successive changes out of the primitive gathering of people, head men, and chief.

§ 528. Were further details desirable, there might here be given an account of police-systems; showing their evolution from the same primitive triune body whence originate the several organizations delineated in this and preceding chapters. As using force to subdue internal aggressors, police are like soldiers, who use force to subdue external aggressors; and the two functions, originally one, are not even now quite separated either in their natures or their agents. For besides being so armed that they are in some countries scarcely distinguishable from soldiers, and besides being subject to military discipline, the police are, in case of need, seconded by soldiers in the discharging of their duties. To indicate the primitive identity it will suffice to name two facts. During the Merovingian period in France, armed bands of serfs, attached to the king's household and to the households of dukes, were employed both as police and for garrison purposes; and in feudal England, the *posse comitatus*, consisting of all freemen between fifteen and sixty, under command of the sheriff, was the agent for preserving internal peace at the same time that it was available for repelling invasions, though not for foreign service—an incipient differentiation between the internal and external defenders which became in course of time more marked. Letting this brief indication suffice, it remains only to sum up the conclusions above reached.

Evidences of sundry kinds unite in showing that judicial action and military action, ordinarily having for their common end the rectification of real or alleged wrongs, are closely

allied at the outset. The sword is the ultimate resort in either case: use of it being in the one case preceded by a war of words carried on before some authority whose aid is invoked, while in the other case it is not so preceded. As is said by Sir Henry Maine, "the fact seems to be that contention in Court takes the place of contention in arms, but only gradually takes its place."

Thus near akin as the judicial and military actions originally are, they are naturally at first discharged by the same agency—the primitive triune body formed of chief, head men, and people. This which decides on affairs of war and settles questions of public policy also gives judgments concerning alleged wrongs of individuals and enforces its decisions.

According as the social activities develop one or other element of the primitive triune body, there results one or other form of agency for the administration of law. If continued militancy makes the ruling man all-powerful, he becomes absolute judicially as in other ways: the people lose all share in giving decisions, and the judgments of the chief men who surround him are overriden by his. If conditions favour the growth of the chief men into an oligarchy, the body they form becomes the agent for judging and punishing offences as for other purposes: its acts being little or not at all qualified by the opinion of the mass. While if the surrounding circumstances and mode of life are such as to prevent supremacy of one man, or of the leading men, its primitive judicial power is preserved by the aggregate of freemen —or is regained by it where it re-acquires predominance. And where the powers of these three elements are mingled in the political organization, they are also mingled in the judicial organization.

In those cases, forming the great majority, in which habitual militancy entails subjection of the people, partial or complete, and in which, consequently, political power and judicial power come to be exercised exclusively by the several orders of chief men, the judicial organization which arises as

the society enlarges and complicates, is officered by the sacerdotal class, or the military class, or partly the one and partly the other: their respective shares being apparently dependent on the ratio between the degree of conscious subordination to the human ruler and the degree of conscious subordination to the divine ruler, whose will the priests are supposed to communicate. But with the progress of industrialism and the rise of a class which, acquiring property and knowledge, gains consequent influence, the judicial system comes to be largely, and at length chiefly, officered by men derived from this class; and these men become distinguished from their predecessors not only as being of other origin, but also as being exclusively devoted to judicial functions.

While there go on changes of this kind, there go on changes by which the originally-simple and comparatively-uniform judicial system, is rendered increasingly complex. Where, as in ordinary cases, there has gone along with achievement of supremacy by the king, a monopolizing of judicial authority by him, press of business presently obliges him to appoint others to try causes and give judgments: subject of course to his approval. Already his court, originally formed of himself, his chief men, and the surrounding people, has become supreme over courts constituted in analogous ways of local magnates and their inferiors—so initiating a differentiation; and now by delegating certain of his servants or assessors, at first with temporary commissions to hear appeals locally, and then as permanent itinerant judges, a further differentiation is produced. And to this are added yet further differentiations, kindred in nature, by which other assessors of his court are changed into the heads of specialized courts, which divide its business among them. Though this particular course has been taken in but a single case, yet it serves to exemplify the general principle under which, in one way or other, there arises out of the primitive simple judicial body, a centralized and heterogeneous judicial organization.

CHAPTER XIV.

LAWS.

§ 529. If, going back once more to the primitive horde, we ask what happens when increase of numbers necessitates migration—if we ask what it is which causes the migrating part to fall into social arrangements like those of the parent part, and to behave in the same way; the obvious reply is that the inherited natures of its members, regulated by the ideas transmitted from the past, cause these results. That guidance by custom which we everywhere find among rude peoples, is the sole conceivable guidance at the outset.

To recall vividly the truth set forth in § 467, that the rudest men conform their lives to ancestral usages, I may name such further illustrations as that the Sandwich Islanders had "a kind of traditionary code . . . followed by general consent;" and that by the Bechuanas, government is carried on according to "long-acknowledged customs." A more specific statement is that made by Mason concerning the Karens, among whom "the elders are the depositaries of the laws, both moral and political, both civil and criminal, and they give them as they receive them, and as they have been brought down from past generations" orally. Here, however, we have chiefly to note that this government by custom, persists through long stages of progress, and even still largely influences judicial administration. Instance the fact that as late as the 14th century in France, an ordinance declared that "the whole kingdom is regulated by 'custom,' and it is as

'custom' that some of our subjects make use of the written law." Instance the fact that our own Common Law is mainly an embodiment of the "customs of the realm," which have gradually become established: its older part, nowhere existing in the shape of enactment, is to be learnt only from text-books; and even parts, such as mercantile law, elaborated in modern times, are known only through reported judgments, given in conformity with usages proved to have been previously followed. Instance again the fact, no less significant, that at the present time custom perpetually re-appears as a living supplementary factor; for it is only after judges' decisions have established precedents which pleaders afterwards quote, and subsequent judges follow, that the application of an act of parliament becomes settled. So that while in the course of civilization written law tends to replace traditional usage, the replacement never becomes complete.

And here we are again reminded that law, whether written or unwritten, formulates the rule of the dead over the living. In addition to that power which past generations exercise over present generations by transmitting their natures, bodily and mental; and in addition to the power they exercise over them by bequeathed private habits and modes of life; there is this power they exercise through these regulations for public conduct handed down orally or in writing. Among savages and in barbarous societies, the authority of laws thus derived is unqualified; and even in advanced stages of civilization, characterized by much modifying of old laws and making of new ones, conduct is controlled in a far greater degree by the body of inherited laws than by those laws which the living make.

I emphasize these obvious truths for the purpose of pointing out that they imply a tacit ancestor-worship. I wish to make it clear that when asking in any case—What is the Law? we are asking—What was the dictate of our forefathers? And my object in doing this is to prepare the way for showing that unconscious conformity to the dictates of the

dead, thus shown, is, in early stages, joined with conscious conformity to their dictates.

§ 530. For along with development of the ghost-theory, there arise the practice of appealing to ghosts, and to the gods evolved from ghosts, for directions in special cases, in addition to the general directions embodied in customs. There come methods by which the will of the ancestor, or the dead chief, or the derived deity, is sought; and the reply given, usually referring to a particular occasion, originates in some cases a precedent, from which there results a law added to the body of laws the dead have transmitted.

The seeking of information and advice from ghosts, takes here a supplicatory and there a coercive form. The Veddahs, who ask the spirits of their ancestors for aid, believe that in dreams they tell them where to hunt; and then we read of the Scandinavian diviners, that they "dragged the ghosts of the departed from their tombs and forced the dead to tell them what would happen:" cases which remind us that among the Hebrews, too, there were supernatural directions given in dreams as well as information derived from invoked spirits. This tendency to accept special guidance from the dead, in addition to the general guidance of an inherited code, is traceable in a transfigured shape even among ourselves; for besides conforming to the orally-declared wish of a deceased parent, children are often greatly influenced in their conduct by considering what the deceased parent would have desired or advised: his imagined injunction practically becomes a supplementary law.

Here, however, we are chiefly concerned with that more developed form of such guidance which results where the spirits of distinguished men, regarded with special fear and trust, become deities. Ancient Egyptian hieroglyphics reveal two stages of it. The "Instructions" recorded by King Rash'otephet are given by his father in a dream. "Son of the Sun Amenemhat—deceased:—He says in a dream—

unto his son the Lord intact,—he says rising up like a god:—'Listen to what I speak unto thee.'" And then another tablet narrates how Thothmes IV, travelling when a prince, and taking his siesta in the shade of the Sphinx, was spoken to in a dream by that god, who said—"Look at me! . . . Answer me that you will do me what is in my heart" &c.; and when he ascended the throne, Thothmes fulfilled the injunction. Analogous stages were well exemplified among the ancient Peruvians. There is a tradition that Huayna Ccapac, wishing to marry his second sister, applied for assent to the dead body of his father; "but the dead body gave no answer, while fearful signs appeared in the heavens, portending blood." Moreover, as before pointed out in § 477, "the Ynca gave them (the vassals) to understand that all he did with regard to them was by an order and revelation of his father, the Sun." Turning to extant races, we see that in the Polynesian Islands, where the genesis of a pantheon by ancestor worship is variously exemplified, divine direction is habitually sought through priests. Among the Tahitians, one "mode by which the god intimated his will," was to enter the priest, who then "spoke as entirely under supernatural influence." Mariner tells us that in Tonga, too, when the natives wished to consult the gods, there was a ceremony of invocation; and the inspired priest then uttered the divine command. Similar beliefs and usages are described by Turner as existing in Samoa. Passing to another region, we find among the Todas of the Indian hills, an appeal for supernatural guidance in judicial matters.

"When any dispute arises respecting their wives or their buffaloes, it has to be decided by the priest, who affects to become possessed by the Bell-god, and . . . pronounces the deity's decision upon the point in dispute."

These instances serve to introduce and interpret for us those which the records of historic peoples yield. Taking first the Hebrews, we have the familiar fact that the laws for general guidance were supposed to be divinely communicated; and we have the further fact that special directions

were often sought. Through the priest who accompanied the army, the commander "inquired of the Lord" about any military movement of importance, and sometimes received very definite orders; as when, before a battle with the Philistines, David is told to "fetch a compass behind them, and come upon them over against the mulberry trees." Sundry Ayran peoples furnish evidence. In common with other Indian codes, the code of Manu, "according to Hindoo mythology, is an emanation from the supreme God." So, too, was it with the Greeks. Not forgetting the tradition that by an ancient Cretan king, a body of laws was brought down from the mountain where Jupiter was said to be buried, we may pass to the genesis of laws from special divine commands, as implied in the Homeric poems. Speaking of these Grote says:—

"The appropriate Greek word for human laws never occurs: amidst a very wavering phraseology, we can detect a gradual transition from the primitive idea of a personal goddess, Themis, attached to Zeus, first to his sentences or orders called Themistes, and next by a still farther remove to various established customs which those sentences were believed to satisfy—the authority of religion and that of custom coalescing into one indivisible obligation."

Congruous in nature was the belief that "Lycurgus obtained not only his own consecration to the office of legislator, but his laws themselves from the mouth of the Delphic God." To which add that we have throughout later Greek times, the obtainment of special information and direction through oracles. Evidence that among the Romans there had occurred a kindred process, is supplied by the story that the ancient laws were received by Numa from the goddess Egeria; and that Numa appointed augurs by whose interpretation of signs the will of the gods was to be ascertained. Even in the ninth century, under the Carolingians, there were brought before the nobles "articles of law named *capitula*, which the king himself had drawn up by the inspiration of God."

Without following out the influence of like beliefs in later

times, as seen in trial by ordeal and trial by judicial combat, in both of which God was supposed indirectly to give judgment, the above evidence makes it amply manifest that, in addition to those injunctions definitely expressed, or embodied in usages tacitly accepted from seniors and through them from remote ancestors, there are further injunctions more consciously attributed to supernatural beings—either the ghosts of parents and chiefs who were personally known, or the ghosts of more ancient traditionally-known chiefs which have been magnified into gods. Whence it follows that originally, under both of its forms, law embodies the dictates of the dead to the living.

§ 531. And here we are at once shown how it happens that throughout early stages of social evolution, no distinction is made between sacred law and secular law. Obedience to established injunctions of whatever kind, originating in reverence for supposed supernatural beings of one or other order, it results that at first all these injunctions have the same species of authority.

The Egyptian wall-sculptures, inscriptions, and papyri, everywhere expressing subordination of the present to the past, show us the universality of the religious sanction for rules of conduct. Of the Assyrians Layard says:—

"The intimate connection between the public and private life of the Assyrians and their religion, is abundantly proved by the sculptures. . . . As among most ancient Eastern nations, not only all public and social duties, but even the commonest forms and customs, appear to have been more or less influenced by religion. . . . All his [the king's] acts, whether in war or peace, appear to have been connected with the national religion, and were believed to be under the special protection and superintendence of the deity."

That among the Hebrews there existed a like connexion, is conspicuously shown us in the Pentateuch; where, besides the commandments specially so-called, and besides religious ordinances regulating feasts and sacrifices, the doings of the priests, the purification by scapegoat, &c., there are numerous

directions for daily conduct—directions concerning kinds of food and modes of cooking; directions for proper farming in respect of periodic fallows, not sowing mingled grain, &c.; directions for the management of those in bondage, male and female, and the payment of hired labourers; directions about trade-transactions and the sales of lands and houses; along with sumptuary laws extending to the quality and fringes of garments and the shaping of beards: instances sufficiently showing that the rules of living, down even to small details, had a divine origin equally with the supreme laws of conduct. The like was true of the Ayrans in early stages. The code of Manu was a kindred mixture of sacred and secular regulations—of moral dictates and rules for carrying on ordinary affairs. Says Tiele of the Greeks after the Doric migration:—"No new political institutions, no fresh culture, no additional games, were established without the sanction of the Pythian oracle." And again we read—

"Chez les Grecs et chez les Romains, comme chez les Hindous, la loi fut d'abord une partie de la religion. Les anciens codes des cités étaient un ensemble de rites de prescriptions liturgiques de prières, en même temps que de dispositions législatives. Les règles du droit de propriété et du droit de succession y étaient éparses au milieu des règles des sacrifices, de la sépulture et du culte des morts."

Originating in this manner, law acquires stability. Possessing a supposed supernatural sanction, its rules have a rigidity enabling them to restrain men's actions in greater degrees than could any rules having an origin recognized as natural. They tend thus to produce settled social arrangements; both directly, by their high authority, and indirectly by limiting the actions of the living ruler. As was pointed out in § 468, early governing agents, not daring to trangress inherited usages and regulations, are practically limited to interpreting and enforcing them: their legislative power being exercised only in respect of matters not already prescribed for. Thus of the ancient Egyptians we read:—"It was not on his [the king's] own will that his occupations depended, but on those rules of duty and propriety which the wisdom of his

ancestors had framed, with a just regard for the welfare of the king and of his people." And how persistent is this authority of the sanctified past over the not-yet-sanctified present, we see among ourselves, in the fact that every legislator has to bind himself by oath to maintain certain political arrangements which our ancestors thought good for us.

While the unchangeableness of law, due to its supposed sacred origin, greatly conduces to social order during those early stages in which strong restraints are most needed, there of course results an unadaptiveness which impedes progress when there arise new conditions to be met. Hence come into use those "legal fictions," by the aid of which nominal obedience is reconciled with actual disobedience. Alike in Roman law and in English law, as pointed out by Sir Henry Maine, legal fictions have been the means of modifying statutes which were transmitted as immutable; and so fitting them to new requirements: thus uniting stability with that plasticity which allows of gradual transformation.

§ 532. Such being the origin and nature of laws, it becomes manifest that the cardinal injunction must be obedience. Conformity to each particular direction pre-supposes allegiance to the authority giving it; and therefore the imperativeness of subordination to this authority is primary.

That direct acts of insubordination, shown in treason and rebellion, stand first in degree of criminality, evidently follows. This truth is seen at the present time in South Africa. "According to a horrible law of the Zulu despots, when a chief is put to death they exterminate also his subjects." It was illustrated by the ancient Peruvians, among whom "a rebellious city or province was laid waste, and its inhabitants exterminated;" and again by the ancient Mexicans, by whom one guilty of treachery to the king "was put to death, with all his relations to the fourth degree." A like extension of punishment occurred in past times in Japan, where, when "the offence is committed against the state,

punishment is inflicted upon the whole race of the offender." Of efforts thus wholly to extinguish families guilty of disloyalty, the Merovingians yielded an instance: king Guntchram swore that the children of a certain rebel should be destroyed up to the ninth generation. And these examples naturally recall those furnished by Hebrew traditions. When Abraham, treating Jahveh as a terrestrial superior (just as existing Bedouins regard as god the most powerful living ruler known to them), entered into a covenant under which, for territory given, he, Abraham, became a vassal, circumcision was the prescribed badge of subordination; and the sole capital offence named was neglect of circumcision, implying insubordination: Jahveh elsewhere announcing himself as "a jealous god," and threatening punishment "upon the children unto the third and fourth generation of them that hate me." And the truth thus variously illustrated, that during stages in which maintenance of authority is most imperative, direct disloyalty is considered the blackest of crimes, we trace down through later stages in such facts as that, in feudal days, so long as the fealty of a vassal was duly manifested, crimes, often grave and numerous, were overlooked.

Less extreme in its flagitiousness than the direct disobedience implied by treason and rebellion, is, of course, the indirect disobedience implied by breach of commands. This, however, where strong rule has been established, is regarded as a serious offence, quite apart from, and much exceeding, that which the forbidden act intrinsically involves. Its greater gravity was distinctly enunciated by the Peruvians, among whom, says Garcilasso, "the most common punishment was death, for they said that a culprit was not punished for the delinquencies he had committed, but for having broken the commandment of the Ynca, who was respected as God." The like conception meets us in another country where the absolute ruler is regarded as divine. Sir R. Alcock quotes Thunberg to the effect that in Japan, "most crimes are punished with death, a sentence which is inflicted with less

regard to the magnitude of the crime than to the audacity of the attempt to transgress the hallowed laws of the empire." And then, beyond the criminality which disobeying the ruler involves, there is the criminality involved by damaging the ruler's property, where his subjects and their services belong wholly or partly to him. In the same way that maltreating a slave, and thereby making him less valuable, comes to be considered as an aggression on his owner—in the same way that even now among ourselves a father's ground for proceeding against a seducer is loss of his daughter's services; so, where the relation of people to monarch is servile, there arises the view that injury done by one person to another, is injury done to the monarch's property. An extreme form of this view is alleged of Japan, where cutting and maiming of the king's dependents "becomes wounding the king, or regicide." And hence the general principle, traceable in European jurisprudence from early days, that a transgression of man against man is punishable mainly, or in large measure, as a transgression against the State. It was thus in ancient Rome: "every one convicted of having broken the public peace, expiated his offence with his life." An early embodiment of the principle occurs in the Salic law, under which "to the *wehrgeld* is added, in a great number of cases, . . . the *fred*, a sum paid to the king or magistrate, in reparation for the violation of public peace;" and in later days, the fine paid to the State absorbed the wehrgeld. Our own history similarly shows us that, as authority extends and strengthens, the guilt of disregarding it takes precedence of intrinsic guilt. "'The king's peace' was a privilege which attached to the sovereign's court and castle, but which he could confer on other places and persons, and which at once raised greatly the penalty of misdeeds committed in regard to them." Along with the growing check on the right of private revenge for wrongs—along with the increasing subordination of minor and local jurisdictions—along with that strengthening of a central authority which these changes imply, "offences against

the law become offences against the king, and the crime of disobedience a crime of contempt to be expiated by a special sort of fine." And we may easily see how, where a ruler gains absolute power, and especially where he has the *prestige* of divine origin, the guilt of contempt comes to exceed the intrinsic guilt of the forbidden act.

A significant truth may be added. On remembering that Peru, and Japan till lately, above named as countries in which the crime of disobedience to the ruler was considered so great as practically to equalize the flagitiousness of all forbidden acts, had societies in which militant organization, carried to its extreme, assimilated the social government at large to the government of an army; we are reminded that even in societies like our own, there is maintained in the army the doctrine that insubordination is the cardinal offence. Disobedience to orders is penal irrespective of the nature of the orders or the motive for the disobedience; and an act which, considered in itself, is quite innocent, may be visited with death if done in opposition to commands.

While, then, in that enforced conformity to inherited customs which plays the part of law in the earliest stages, we see insisted upon the duty of obedience to ancestors at large, irrespective of the injunctions to be obeyed, which are often trivial or absurd—while in the enforced conformity to special directions given in oracular utterances by priests, or in "themistes," &c., which form a supplementary source of law, we see insisted upon the duty of obedience, in small things as in great, to certain recognized spirits of the dead, or deities derived from them; we also see that obedience to the edicts of the terrestrial ruler, whatever they may be, becomes, as his power grows, a primary duty.

§ 533. What has been said in the foregoing sections brings out with clearness the truth that rules for the regulation of conduct have four sources. Even in early stages we see that beyond the inherited usages which have a quasi-religious sanc-

tion; and beyond the special injunctions of deceased leaders, which have a more distinct religious sanction; there is some, though a slight, amount of regulation derived from the will of the predominant man; and there is also the effect, vague but influential, of the aggregate opinion. Not dwelling on the first of these, which is slowly modified by accretions derived from the others, it is observable that in the second we have the germ of the law afterwards distinguished as divine; that in the third we have the germ of the law which gets its sanction from allegiance to the living governor; and that in the fourth we have the germ of the law which eventually becomes recognized as expressing the public will.

Already I have sufficiently illustrated those kinds of laws which originate personally, as commands of a feared invisible ruler and a feared visible ruler. But before going further, it will be well to indicate more distinctly the kind of law which originates impersonally, from the prevailing sentiments and ideas, and which we find clearly shown in rude stages before the other two have become dominant.. A few extracts will exhibit it. Schoolcraft says of the Chippewayans—

"Thus, though they have no regular government, as every man is lord in his own family, they are influenced more or less by certain principles which conduce to their general benefit."

Of the unorganized Shoshones Bancroft writes—

"Every man does as he likes. Private revenge, of course, occasionally overtakes the murderer, or, if the sympathies of the tribe be with the murdered man, he may possibly be publicly executed, but there are no fixed laws for such cases."

In like manner the same writer tells us of the Haidahs that—

"Crimes have no punishment by law; murder is settled for with relatives of the victim, by death or by the payment of a large sum; and sometimes general or notorious offenders, especially medicine-men, are put to death by an agreement among leading men."

Even where government is considerably developed, public opinion continues to be an independent source of law. Ellis says that—

"In cases of theft in the Sandwich Islands, those who had been robbed retaliated upon the guilty party, by seizing whatever they could find;

and this mode of obtaining redress was so supported by public opinion, and the latter, though it might be the stronger party, dare not offer resistance."

By which facts we are reminded that where central authority and administrative machinery are feeble, the laws thus informally established by aggregate feeling are enforced by making revenge for wrongs a socially-imposed duty; while failure to revenge is made a disgrace, and a consequent danger. In ancient Scandinavia, "a man's relations and friends who had not revenged his death, would instantly have lost that reputation which constituted their principal security." So that, obscured as this source of law becomes when the popular element in the triune political structure is entirely subordinated, yet it was originally conspicuous, and never ceases to exist. And now having noted the presence of this, along with the other mingled sources of law, let us observe how the several sources, along with their derived laws, gradually become distinguished.

Recalling the proofs above given that where there has been established a definite political authority, inherited from apotheosized chiefs and made strong by divine sanction, laws of all kinds have a religious character; we have first to note that a differentiation takes place between those regarded as sacred and those recognized as secular. An illustration of this advance is furnished us by the Greeks. Describing the state of things exhibited in the Homeric poems, Grote remarks that "there is no sense of obligation then existing, between man and man as such—and very little between each man and the entire community of which he is a member;" while, at the same time, "the tie which binds a man to his father, his kinsman, his guest, or any special promisee towards whom he has taken the engagement of an oath, is conceived in conjunction with the idea of Zeus, as witness and guarantee:" allegiance to a divinity is the source of obligation. But in historical Athens, "the great impersonal authority called 'The Laws' stood out separately, both as

guide and sanction, distinct from religious duty or private sympathies." And at the same time there arose the distinction between breach of the sacred law and breach of the secular law: "the murderer came to be considered, first as having sinned against the gods, next as having deeply injured the society, and thus at once as requiring absolution and deserving punishment." A kindred differentiation early occurred in Rome. Though, during the primitive period, the head of the State, at once king and high priest, and in his latter capacity dressed as a god, was thus the mouth-piece of both sacred law and secular law; yet, afterwards, with the separation of the ecclesiastical and political authorities, came a distinction between breaches of divine ordinances and breaches of human ordinances. In the words of Sir Henry Maine, there were "laws punishing *sins*. There were also laws punishing *torts*. The conception of offence against God produced the first class of ordinances; the conception of offence against one's neighbour produced the second; but the idea of offence against the State or aggregate community did not at first produce a true criminal jurisprudence." In explanation of the last statement it should, however, be added that since, during the regal period, according to Mommsen, "judicial procedure took the form of a public or a private process, according as the king interposed of his own motion, or only when appealed to by the injured party;" and since "the former course was taken only in cases which involved a breach of the public peace;" it must be inferred that when kingship ceased, there survived the distinction between transgression against the individual and transgression against the State, though the mode of dealing with this last had not, for a time, a definite form. Again, even among the Hebrews, more persistently theocratic as their social system was, we see a considerable amount of this change, at the same time that we are shown one of its causes. The Mishna contains many detailed civil laws; and these manifestly resulted from the

growing complication of affairs. The instance is one showing us that primitive sacred commands, originating as they do in a comparatively undeveloped state of society, fail to cover the cases which arise as institutions become involved. In respect of these there consequently grow up rules having a known human authority only. By accumulation of such rules, is produced a body of human laws distinct from the divine laws; and the offence of disobeying the one becomes unlike the offence of disobeying the other. Though in Christianized Europe, throughout which the indigenous religions were superseded by an introduced religion, the differentiating process was interfered with; yet, on setting out from the stage at which this introduced religion had acquired that supreme authority proper to indigenous religions, we see that the subsequent changes were of like nature with those above described. Along with that mingling of structures shown in the ecclesiasticism of kings and the secularity of prelates, there went a mingling of political and religious legislation. Gaining supreme power, the Church interpreted sundry civil offences as offences against God; and even those which were left to be dealt with by the magistrate were considered as thus left by divine ordinance. But subsequent evolution brought about stages in which various transgressions, held to be committed against both sacred and secular law, were simultaneously expiated by religious penance and civil punishment; and there followed a separation which, leaving but a small remnant of ecclesiastical offences, brought the rest into the category of offences against the State and against individuals.

And this brings us to the differentiation of equal, if not greater, significance, between those laws which derive their obligation from the will of the governing agency, and those laws which derive their obligation from the *consensus* of individual interests—between those laws which, having as their direct end the maintenance of authority, only indirectly thereby conduce to social welfare, and those which, directly

and irrespective of authority, conduce to social welfare: of which last, law, in its modern form, is substantially an elaboration. Already I have pointed out that the kind of law initiated by the *consensus* of individual interests, precedes the kind of law initiated by political authority. Already I have said that though, as political authority develops, laws acquire the shape of commands, even to the extent that those original principles of social order tacitly recognized at the outset, come to be regarded as obligatory only because personally enacted, yet that the obligation derived from the *consensus* of individual interests survives, if obscured. And here it remains to show that as the power of the political head declines—as industrialism fosters an increasingly free population—as the third element in the triune political structure, long subordinated, grows again predominant; there again grows predominant this primitive source of law—the *consensus* of individual interests. We have further to note that in its re-developed form, as in its original form, the kind of law hence arising has a character radically distinguishing it from the kinds of law thus far considered. Both the divine laws and the human laws which originate from personal authority, have inequality as their common essential principle; while the laws which originate impersonally, in the *consensus* of individual interests, have equality as their essential principle. Evidence is furnished at the very outset. For what is this *lex talionis* which, in the rudest hordes of men, is not only recognized but enforced by general opinion? Obviously, as enjoining an equalization of injuries or losses, it tacitly assumes equality of claims among the individuals concerned. The principle of requiring "an eye for an eye and a tooth for a tooth," embodies the primitive idea of justice everywhere: the endeavour to effect an exact balance being sometimes quite curious. Thus we read in Arbousset and Daumas:—

"A Basuto whose son had been wounded on the head with a staff, came to entreat me to deliver up the offender,—'with the same staff and on the same spot where my son was beaten, will I give a blow on the head of the man who did it.'"

A kindred effort to equalize in this literal way, the offence and the expiation, occurs in Abyssinia; where, when the murderer is given over to his victim's family, "the nearest of kin puts him to death with the same kind of weapon as that with which he had slain their relative." As the last case shows, this primitive procedure, when it does not assume the form of inflicting injury for injury between individuals, assumes the form of inflicting injury for injury between families or tribes, by taking life for life. With the instances given in § 522 may be joined one from Sumatra.

"When in an affray [between families], there happen to be several persons killed on both sides, the business of justice is only to state the reciprocal losses, in the form of an account current, and order the balance to be discharged if the numbers be unequal."

And then, from this rude justice which insists on a balancing of losses between families or tribes, it results that so long as their mutual injuries are equalized, it matters not whether the blameable persons are or are not those who suffer; and hence the system of vicarious punishment—hence the fact that vengeance is wreaked on any member of the transgressing family or tribe. Moreover, ramifying in these various ways, the principle applies where not life but property is concerned. Schoolcraft tells us that among the Dakotas, "injury to property is sometimes privately revenged by destroying other property in place thereof;" and among the Araucanians, families pillage one another for the purpose of making their losses alike. The idea survives, though changed in form, when crimes come to be compounded for by gifts or payments. Very early we see arising the alternative between submitting to vengeance or making compensation. Kane says of certain North American races, that "horses or other Indian valuables" were accepted in compensation for murder. With the Dakotas "a present of white wampum," if accepted, condones the offence. Among the Araucanians, homicides "can screen themselves from punishment by a composition with the relations of the murdered." Recalling, as these few instances do, the kindred alternatives recognized

throughout primitive Europe, they also make us aware of a significant difference. For with the rise of class-distinctions in primitive Europe, the rates of compensation, equal among members of each class, had ceased to be equal between members of different classes. Along with the growth of personally-derived law, there had been a departure from the impersonally-derived law as it originally existed.

But now the truth to be noted is that, with the relative weakening of kingly or aristocratic authority and relative strengthening of popular authority, there revives the partially-suppressed kind of law derived from the *consensus* of individual interests; and the kind of law thus originating tends continually to replace all other law. For the chief business of courts of justice at present, is to enforce, without respect of persons, the principle, recognized before governments arose, that all members of the community, however otherwise distinguished, shall be similarly dealt with when they aggress one upon another. Though the equalization of injuries by retaliation is no longer permitted; and though the government, reserving to itself the punishment of transgressors, does little to enforce restitution or compensation; yet, in pursuance of the doctrine that all men are equal before the law, it has the same punishment for transgressors of every class. And then in respect of unfulfilled contracts or disputed debts, from the important ones tried at Assizes to the trivial ones settled in County Courts, its aim is to maintain the rights and obligations of citizens without regard for wealth or rank. Of course in our transition state the change is incomplete. But the sympathy with individual claims, and the *consensus* of individual interests accompanying it, lead to an increasing predominance of that kind of law which provides directly for social order; as distinguished from that kind of law which indirectly provides for social order by insisting on obedience to authority, divine or human. With decline of the *régime* of status and growth of the *régime* of contract, personally-derived law more and more

gives place to impersonally-derived law; and this of necessity, since a formulated inequality is implied by the compulsory cooperation of the one, while, by the voluntary cooperation of the other, there is implied a formulated equality.

So that, having first differentiated from the laws of supposed divine origin, the laws of recognized human origin subsequently re-differentiate into those which ostensibly have the will of the ruling agency as their predominant sanction, and those which ostensibly have the aggregate of private interests as their predominant sanction; of which two the last tends, in the course of social evolution, more and more to absorb the first. Necessarily, however, while militancy continues, the absorption remains incomplete; since obedience to a ruling will continues to be in some cases necessary.

§ 534. A right understanding of this matter is so important, that I must be excused for briefly presenting two further aspects of the changes described: one concerning the accompanying sentiments, and the other concerning the accompanying theories.

As laws originate partly in the customs inherited from the undistinguished dead, partly in the special injunctions of the distinguished dead, partly in the average will of the undistinguished living, and partly in the will of the distinguished living, the feelings responding to them, allied though different, are mingled in proportions that vary under diverse circumstances.

According to the nature of the society, one or other sanction predominates; and the sentiment appropriate to it obscures the sentiments appropriate to the others, without, however, obliterating them. Thus in a theocratic society, the crime of murder is punished primarily as a sin against God; but not without there being some consciousness of its criminality as a disobedience to the human ruler who enforces the divine command, as well as an injury to a family, and, by implication, to the community. Where, as among the Bedouins

or in Sumatra, there is no such supernaturally-derived injunction, and no consequent reprobation of disobedience to it, the loss entailed on the family of the victim is the injury recognized; and, consequently, murder is not distinguished from manslaughter. Again, in Japan and in Peru, unqualified absoluteness of the living ruler is, or was, accompanied by the belief that the criminality of murder consisted primarily in transgression of his commands; though doubtless the establishment of such commands implied, both in ruler and people, some recognition of evil, individual or general, caused by breach of them. In ancient Rome, the consciousness of injury done to the community by murder was decided; and the feeling enlisted on behalf of public order was that which mainly enforced the punishment. And then among ourselves when a murder is committed, the listener to an account of it shudders not mainly because the alleged command of God has been broken, nor mainly because there has been a breach of "the Queen's peace;" but his strongest feeling of reprobation is that excited by the thought of a life taken away, with which is joined a secondary feeling due to the diminution of social safety which every such act implies. In these different emotions which give to these several sanctions their respective powers, we see the normal concomitants of the social states to which such sanctions are appropriate. More especially we see how that weakening of the sentiments offended by breaches of authority, divine or human, which accompanies growth of the sentiments offended by injuries to individuals and the community, is naturally joined with revival of that kind of law which originate in the *consensus* of individual interests—the law which was dominant before personal authority grew up, and which again becomes dominant as personal authority declines.

At the same time there goes on a parallel change of theory. Along with a rule predominantly theocratic, there is current a tacit or avowed doctrine, that the acts prescribed or forbidden are made right or wrong solely by divine command;

and though this doctrine survives through subsequent stages (as it does still in our own religious world), yet belief in it becomes nominal rather than real. Where there has been established an absolute human authority, embodied in a single individual, or, as occasionally, in a few, there comes the theory that law has no other source than the will of this authority: acts are conceived as proper or improper according as they do or do not conform to its dictates. With progress towards a popular form of government, this theory becomes modified to the extent that though the obligation to do this and refrain from that is held to arise from State-enactment; yet the authority which gives this enactment its force is the public desire. Still it is observable that along with a tacit implication that the *consensus* of individual interests affords the warrant for law, there goes the overt assertion that this warrant is derived from the formulated will of the majority: no question being raised whether this formulated will is or is not congruous with the *consensus* of individual interests. In this current theory there obviously survives the old idea that there is no other sanction for law than the command of embodied authority; though the authority is now a widely different one.

But this theory, much in favour with "philosophical politicians," is a transitional theory. The ultimate theory, which it foreshadows, is that the source of legal obligation is the *consensus* of individual interests itself, and not the will of a majority determined by their opinion concerning it; which may or may not be right. Already, even in legal theory, especially as expounded by French jurists, natural law or law of nature, is recognized as a source of formulated law: the admission being thereby made that, primarily certain individual claims, and secondarily the social welfare furthered by enforcing such claims, furnish a warrant for law, anteceding political authority and its enactments. Already in the qualification of Common Law by Equity, which avowedly proceeds upon the law of "*honesty* and *reason* and of *na-*

tions," there is involved the pre-supposition that, as similarly-constituted beings, men have certain rights in common, maintenance of which, while directly advantageous to them individually, indirectly benefits the community; and that thus the decisions of equity have a sanction independent alike of customary law and parliamentary votes. Already in respect of religious opinions there is practically conceded the right of the individual to disobey the law, even though it expresses the will of a majority. Whatever disapproval there may be of him as a law-breaker, is over-ridden by sympathy with his assertion of freedom of judgment. There is a tacit recognition of a warrant higher than that of State-enactments, whether regal or popular in origin. These ideas and feelings are all significant of progress towards the view, proper to the developed industrial state, that the justification for a law is that it enforces one or other of the conditions to harmonious social cooperation; and that it is unjustified (enacted by no matter how high an authority or how general an opinion) if it traverses these conditions.

And this is tantamount to saying that the impersonally-derived law which revives as personally-derived law declines, and which gives expression to the *consensus* of individual interests, becomes, in its final form, simply an applied system of ethics—or rather, of that part of ethics which concerns men's just relations with one another and with the community.

§ 535. Returning from this somewhat parenthetical discussion, we might here enter on the development of laws, not generally but specially; exhibiting them as accumulating in mass, as dividing and sub-dividing in their kinds, as becoming increasingly definite, as growing into coherent and complex systems, as undergoing adaptations to new conditions. But besides occupying too much space, such an exposition would fall outside the lines of our subject. Present requirements are satisfied by the results above set forth, which may be summarized as follows.

Setting out with the truth, illustrated even in the very rudest tribes, that the ideas conveyed, sentiments inculcated, and usages taught, to children by parents who themselves were similarly taught, eventuate in a rigid set of customs; we recognize the fact that at first, as to the last, law is mainly an embodiment of ancestral injunctions.

To the injunctions of the undistinguished dead, which qualified by the public opinion of the living in cases not prescribed for, constitute the code of conduct before any political organization has arisen, there come to be added the injunctions of the distinguished dead, when there have arisen chiefs who, in some measure feared and obeyed during life, after death give origin to ghosts still more feared and obeyed. And when, during that compounding of societies effected by war, such chiefs develop into kings, their remembered commands and the commands supposed to be given by their ghosts, become a sacred code of conduct, partly embodying and partly adding to the code pre-established by custom. The living ruler, able to legislate only in respect of matters unprovided for, is bound by these transmitted commands of the unknown and the known who have passed away; save only in cases where the living ruler is himself regarded as divine, in which cases his injunctions become laws having a like sacredness. Hence the trait common to societies in early stages, that the prescribed rules of conduct of whatever kind have a religious sanction. Sacrificial observances, public duties, moral injunctions, social ceremonies, habits of life, industrial regulations, and even modes of dressing, stand on the same footing.

Maintenance of the unchangeable rules of conduct thus originating, which is requisite for social stability during those stages in which the type of nature is yet but little fitted for harmonious social cooperation, pre-supposes implicit obedience; and hence disobedience becomes the blackest crime. Treason and rebellion, whether against the divine or the human ruler, bring penalties exceeding all others in severity.

The breaking of a law is punished not because of the intrinsic criminality of the act committed, but because of the implied insubordination. And the disregard of governmental authority continues, through subsequent stages, to constitute, in legal theory, the primary element in a transgression.

In societies that become large and complex, there arise forms of activity and intercourse not provided for in the sacred code; and in respect of these the ruler is free to make regulations. As such regulations accumulate there comes into existence a body of laws of known human origin; and though this acquires an authority due to reverence for the men who made it and the generations which approved it, yet it has not the sacredness of the god-descended body of laws: human law differentiates from divine law. But in societies which remain predominantly militant, these two bodies of laws continue similar in the respect that they have a personally-derived authority. The avowed reason for obeying them is that they express the will of a divine ruler, or the will of a human ruler, or, occasionally, the will of an irresponsible oligarchy.

But with the progress of industrialism and growth of a free population which gradually acquires political power, the humanly-derived law begins to sub-divide; and that part which originates in the *consensus* of individual interests, begins to dominate over the part which originates in the authority of the ruler. So long as the social type is one organized on the principle of compulsory cooperation, law, having to maintain this compulsory cooperation, must be primarily concerned in regulating *status*, maintaining inequality, enforcing authority; and can but secondarily consider the individual interests of those forming the mass. But in proportion as the principle of voluntary cooperation more and more characterizes the social type, fulfilment of contracts and implied assertion of equality in men's rights, become the fundamental requirements, and the *consensus* of individual interests the chief source of law: such authority

as law otherwise derived continues to have, being recognized as secondary, and insisted upon only because maintenance of law for its own sake indirectly furthers the general welfare.

Finally, we see that the systems of laws belonging to these successive stages, are severally accompanied by the sentiments and theories appropriate to them; and that the theories at present current, adapted to the existing compromise between militancy and industrialism, are steps towards the ultimate theory, in conformity with which law will have no other justification than that gained by it as maintainer of the conditions to complete life in the associated state.

CHAPTER XV.

PROPERTY.

§ 536. The fact referred to in § 292, that even intelligent animals display a sense of proprietorship, negatives the belief propounded by some, that individual property was not recognized by primitive men. When we see the claim to exclusive possession understood by a dog, so that he fights in defence of his master's clothes if left in charge of them, it becomes impossible to suppose that even in their lowest state men were devoid of those ideas and emotions which initiate private ownership. All that may be fairly assumed is that these ideas and sentiments were at first less developed than they have since become.

It is true that in some extremely rude hordes, rights of property are but little respected. Lichtenstein tells us that among the Bushmen, "the weaker, if he would preserve his own life, is obliged to resign to the stronger, his weapons, his wife, and even his children;" and there are some degraded North American tribes in which there is no check on the more powerful who choose to take from the less powerful: their acts are held to be legitimized by success. But absence of the idea of property, and the accompanying sentiment, is no more implied by these forcible appropriations than it is implied by the forcible appropriation which a bigger schoolboy makes of the toy belonging to a less. It is also true that even where force is not used, individual

claims are in considerable degrees over-ridden or imperfectly maintained. We read of the Chippewayans that "Indian law requires the successful hunter to share the spoils of the chase with all present;" and Hillhouse says of the Arawaks that though individual property is "distinctly marked amongst them," "yet they are perpetually borrowing and lending, without the least care about payment." But such instances merely imply that private ownership is at first ill-defined, as we might expect, *à priori*, that it would be.

Evidently the thoughts and feelings which accompany the act of taking possession, as when an animal clutches its prey, and which at a higher stage of intelligence go along with the grasping of any article indirectly conducing to gratification, are the thoughts and feelings to which the theory of property does but give a precise shape. Evidently the use in legal documents of such expressions as "to have and to hold," and to be "seized" of a thing, as well as the survival up to comparatively late times of ceremonies in which a portion (rock or soil) of an estate bought, representing the whole, actually passed from hand to hand, point back to this primitive physical basis of ownership. Evidently the developed doctrine of property, accompanying a social state in which men's acts have to be mutually restrained, is a doctrine which on the one hand asserts the freedom to take and to keep within specified limits, and denies it beyond those limits—gives positiveness to the claim while restricting it. And evidently the increasing definiteness thus given to rights of individual possession, may be expected to show itself first where definition is relatively easy and afterwards where it is less easy. This we shall find that it does.

§ 537. While in early stages it is difficult, not to say impossible, to establish and mark off individual claims to parts of the area wandered over in search of food, it is not difficult to mark off the claims to movable things and to habitations; and these claims we find habitually recognized. The follow-

ing passage from Bancroft concerning certain North American savages, well illustrates the distinction:—

"Captain Cook found among the Ahts very 'strict notions of their having a right to the exclusive property of everything that their country produces,' so that they claimed pay for even wood, water, and grass. The limits of tribal property are very clearly defined, but individuals rarely claim any property in land. Houses belong to the men who combine to build them. Private wealth consists of boats and implements for obtaining food, domestic utensils, slaves, and blankets."

A like condition is shown us by the Comanches:—

"They recognize no distinct right of *meum* and *tuum*, except to personal property; holding the territory they occupy, and the game that depastures upon it, as common to all the tribe: the latter is appropriated only by capture."

And the fact that among these Comanches, as among other peoples, "prisoners of war belong to the captors, and may be sold or released at their will," further shows that the right of property is asserted where it is easily defined. Of the Brazilian Indians, again, Von Martius tells us that,—

"Huts and utensils are considered as private property; but even with regard to them certain ideas of common possession prevail. The same hut is often occupied by more families than one; and many utensils are the joint property of all the occupants. Scarcely anything is considered strictly as the property of an individual except his arms, accoutrements, pipe, and hammock."

Dr. Rink's account of the Esquimaux shows that among them, too, while there is joint ownership of houses made jointly by the families inhabiting them, there is separate ownership of weapons, fishing boats, tools, etc. Thus it is made manifest that private right, completely recognized where recognition of it is easy, is partially recognized where partial recognition only is possible—where the private rights of companions are entangled with it. Instances of other kinds equally prove that among savages claims to possession are habitually marked off when practicable: if not fully, yet partially. Of the Chippewayans "who have no regular government" to make laws or arbitrate, we yet read that,—

"In the former instance [when game is taken in inclosures by a hunting party], the game is divided among those who had been en-

gaged in the pursuit of it. In the latter [when taken in private traps] it is considered as private property; nevertheless, any unsuccessful hunter passing by, may take a deer so caught, leaving the head, skin, and saddle, for the owner."

In cases, still more unlike, but similar in the respect that there exists an obvious connexion between labour expended and benefit achieved, rude peoples re-illustrate this same individualization of property. Burckhardt tells us of the Bedouins that wells "are exclusive property, either of a whole tribe, or of individuals whose ancestors dug the wells."

Taken together such facts make it indisputable that in early stages, private appropriation, carried to a considerable extent, is not carried further because circumstances render extension of it impracticable.

§ 538. Recognition of this truth at once opens the way to explanation of primitive land-ownership; and elucidates the genesis of those communal and family tenures which have prevailed so widely.

While subsistence on wild food continues, the wandering horde inhabiting a given area, must continue to make joint use of the area; both because no claim can be shown by any member to any portion, and because the marking out of small divisions, if sharing were agreed upon, would be impracticable. Where pastoral life has arisen, ability to drive herds hither and thither within the occupied region is necessary. In the absence of cultivation, cattle and their owners could not survive were each owner restricted to one spot: there is nothing feasible but united possession of a wide tract. And when there comes a transition to the agricultural stage, either directly from the hunting stage or indirectly through the pastoral stage, several causes conspire to prevent, or to check, the growth of private land-ownership.

There is first the traditional usage. Joint ownership continues after circumstances no longer render it imperative, because departure from the sacred example of forefathers is resisted. Sometimes the resistance is insuperable; as with

the Rechabites and the people of Petra, who by their vow "were not allowed to possess either vineyards or cornfields or houses" but were bound "to continue the nomadic life." And obviously, where the transition to a settled state is effected, the survival of habits and sentiments established during the nomadic state, must long prevent possession of land by individuals. Moreover, apart from opposing ideas and customs, there are physical difficulties in the way. Even did any member of a pastoral horde which had become partially settled, establish a claim to exclusive possession of one part of the occupied area, little advantage could be gained before there existed the means of keeping out the animals belonging to others. Common use of the greater part of the surface must long continue from mere inability to set up effectual divisions. Only small portions can at first be fenced off. Yet a further reason why land-owning by individuals, and land-owning by families, establish themselves very slowly, is that at first each particular plot has but a temporary value. The soil is soon exhausted; and in the absence of advanced arts of culture become useless. Such tribes as those of the Indian hills show us that primitive cultivators uniformly follow the practice of clearing a tract of ground, raising from it two or three crops, and then abandoning it: the implication being that whatever private claim had arisen, lapses, and the surface, again becoming wild, reverts to the community.

Thus throughout long stages of incipient civilization, the impediments in the way of private land-ownership are great and the incentives to it small. Besides the fact that primitive men, respecting the connexion between effort expended and benefit gained, and therefore respecting the right of property in things made by labour, recognize no claim thus established by an individual to a portion of land; and besides the fact that in the adhesion to inherited usage and the inability effectually to make bounds, there are both moral and physical obstacles to the establishment of any such individual

monopoly; there is the fact that throughout early stages of settled life, no motive to maintain permanent private possession of land comes into play. Manifestly, therefore, it is not from conscious assertion of any theory, or in pursuance of any deliberate policy, that tribal and communal proprietorship of the areas occupied originate; but simply from the necessities of the case.

Hence the prevalence among unrelated peoples of this public ownership of land, here and there partially qualified by temporary private ownership. Some hunting tribes of North America show us a stage in which even the communal possession is still vague. Concerning the Dakotas Schoolcraft says—

"Each village has a certain district of country they hunt in, but do not object to families of other villages hunting with them. Among the Dacotas, I never knew an instance of blood being shed in any disputes or difficulties on the hunting grounds."

Similarly of the Comanches, he remarks that "no dispute ever arises between tribes with regard to their hunting grounds, the whole being held in common." Of the semi-settled and more advanced Iroquois, Morgan tells us that—

"No individual could obtain the absolute title to land, as that was vested by the laws of the Iroquois in all the people; but he could reduce unoccupied lands to cultivation to any extent he pleased; and so long as he continued to use them, his right to their enjoyment was protected and secured."

Sundry pastoral peoples of South Africa show us the survival of such arrangements under different conditions.

"The land which they [the Bechuanas] inhabit is the common property of the whole tribe, as a pasture for their herds."

"Being entirely a pastoral people, the Damaras have no notion of permanent habitations. The whole country is considered public property. . . . There is an understanding that he who arrives first at any given locality, is the master of it as long as he chooses to remain there."

Kaffir custom "does not recognize private property in the soil beyond that of actual possession."

"No one possesses landed property" [among the Koosas]; "he sows his corn wherever he can find a convenient spot."

And various of the uncivilized, who are mainly or wholly

agricultural, exhibit but slight modifications of this usage. Though by the New Zealanders some extra claim of the chief is recognized, yet "all free persons, male and female, constituting the nation, were proprietors of the soil:" there is a qualified proprietorship of land, obtained by cultivation, which does not destroy the proprietorship of the nation or tribe. In Sumatra, cultivation gives temporary ownership but nothing more. We read that the ground "on which a man plants or builds, with the consent of his neighbours, becomes a species of nominal property"; but when the trees which he has planted disappear in the course of nature, "the land reverts to the public." From a distant region may be cited an instance where the usages, though different in form, involve the same principle. Among the modern Indians of Mexico—

"Only a house-place and a garden are hereditary; the fields belong to the village, and are cultivated every year without anything being paid for rent. A portion of the land is cultivated in common, and the proceeds are devoted to the communal expenses."

This joint ownership of land, qualified by individual ownership only so far as circumstances and habits make it easy to mark off individual claims, leads to different modes of using the products of the soil, according as convenience dictates. Anderson tells us that in "Damara-land, the carcases of all animals—whether wild or domesticated—are considered public property." Among the Todas—

"Whilst the land is in each case the property of the village itself, . . . the cattle which graze on it are the private property of individuals, being males. . . . The milk of the entire herd is lodged in the pâlthchi, village dairy, from which each person, male and female, receives for his or her daily consumption; the unconsumed balance being divided, as personal and saleable property, amongst the male members of all ages, in proportion to the number of cattle which each possesses in the herd."

And then in some cases joint cultivation leads to a kindred system of division.

"When harvest is over," the Congo people "put all the kidney-beans into one heap, the Indian wheat into another, and so of other grain: then giving the Macolonte [chief] enough for his maintenance, and laying aside what they design for sowing, the rest is divided at so

much to every cottage, according to the number of people each contains. Then all the women together till and sow the land for a new harvest."

In Europe an allied arrangement is exhibited by the southern Slavs. "The fruits of agricultural labour are consumed in common, or divided equally among the married couples; but the produce of each man's industrial labour belongs to him individually." Further, some of the Swiss allmends show us a partial survival of this system; for besides lands which have become in large measure private, there are "communal vineyards cultivated in common," and "there are also corn-lands cultivated in the same manner," and "the fruit of their joint labour forms the basis of the banquets, at which all the members of the commune take part."

Thus we see that communal ownership and family ownership at first arose and long continued because, in respect of land, no other could well be established. Records of the civilized show that with them in the far past, as at present with the uncivilized, private possession, beginning with movables, extends itself to immovables only under certain conditions. We have evidence of this in the fact named by Mayer, that "the Hebrew language has no expression for 'landed property;'" and again in the fact alleged by Mommsen of the Romans, that "the idea of property was primarily associated not with immovable estate, but with 'estate in slaves and cattle.'" And if, recalling the circumstances of pastoral life, as carried on alike by Semites and Ayrans, we remember that, as before shown, the patriarchal group is a result of it; we may understand how, in passing into the settled state, there would be produced such forms of land-tenure by the clan and the family as, with minor variations, characterized primitive European societies. It becomes comprehensible why among the Romans "in the earliest times, the arable land was cultivated in common, probably by the several clans; each of these tilled its own land, and hereafter distributed the produce among the several households belonging to it." We are shown that there naturally arose such arrangements as those

of the ancient Teutonic mark—a territory held "by a primitive settlement of a family or kindred," each free male member of which had "a right to the enjoyment of the woods, the pastures, the meadow, and the arable land of the mark;" but whose right was "of the nature of usufruct or possession only," and whose allotted private division became each season common grazing land after the crop had been taken off, while his more permanent holding was limited to his homestead and its immediate surroundings. And we may perceive how the community's ownership might readily, as circumstances and sentiments determined, result here in an annual use of apportioned tracts, here in a periodic re-partitioning, and here in tenures of more permanent kinds,—still subject to the supreme right of the whole public.

§ 539. Induction and deduction uniting to show, as they do, that at first land is common property, there presents itself the question—How did possession of it become individualized? There can be little doubt as to the general nature of the answer. Force, in one form or other, is the sole cause adequate to make the members of a society yield up their joint claim to the area they inhabit. Such force may be that of an external aggressor or that of an internal aggressor; but in either case it implies militant activity.

The first evidence of this which meets us is that the primitive system of land-ownership has lingered longest where circumstances have been such as either to exclude war or to minimize it. Already I have referred to a still-extant Teutonic mark existing in Drenthe, "surrounded on all sides by marsh and bog," forming "a kind of island of sand and heath;" and this example, before named as showing the survival of free judicial institutions where free institutions at large survive, simultaneously shows the communal land-ownership which continues while men are unsubordinated. After this typical case may be named one not far distant, and somewhat akin—that, namely, which occurs "in the

sandy district of the Campine and beyond the Meuse, in the Ardennes region," where there is great " want of communication: " the implied difficulty of access and the poverty of surface making relatively small the temptation to invade. So that while, says Laveleye, " except in the Ardennes, the lord had succeeded in usurping the eminent domain, without however destroying the inhabitants' rights of user," in the Ardennes itself, the primitive communal possession survived. Other cases show that the mountainous character of a locality, rendering subjugation by external or internal force impracticable, furthers maintenance of this primitive institution, as of other primitive institutions. In Switzerland, and especially in its Alpine parts, the allmends above mentioned, which are of the same essential nature as the Teutonic marks, have continued down to the present day. Sundry kindred regions present kindred facts. Ownership of land by family-communities is still to be found " in the hill-districts of Lombardy." In the poverty-stricken and mountainous portion of Auvergne, as also in the hilly and infertile department of Nièvre, there are still, or recently have been, these original joint-ownerships of land. And the general remark concerning the physical circumstances in which they occur, is that " it is to the wildest and most remote spots that we must go in search of them "—a truth again illustrated " in the small islands of Hœdic and Honat, situated not far from Belle Isle " on the French coast, and also in our own islands of Orkney and Shetland.

Contrariwise, we find that directly by invasion, and indirectly by the chronic resistance to invasion which generates those class-inequalities distinguishing the militant type, there is produced individualization of land-ownership, in one or other form. All the world over, conquest gives a possession that is unlimited because there is no power to dispute it. Along with other spoils of war, the land becomes a spoil; and, according to the nature of the conquering society, is owned wholly by the despotic conqueror, or, partially and in

dependent ways, by his followers. Of the first result there are many instances. "The kings of Abyssinia are above all laws . . . the land and persons of their subjects are equally their property." "In Kongo the king hath the sole property of goods and lands, which he can grant away at pleasure." And § 479 contains sundry other examples of militant societies in which the monarch, otherwise absolute, is absolute possessor of the soil. Of the second result instances were given in § 458; and I may here add some others. Ancient Mexico supplies one.

"Montezuma possessed in most of the villages . . . and especially in those he had conquered, fiefs which he distributed among those called 'the gallant fellows of Mexico.' These were men who had distinguished themselves in war."

Under a more primitive form the like was done in Iceland by the invading Norsemen.

"When a chieftain had taken possession of a district, he allotted to each of the freemen who accompanied him a certain portion of land, erected a temple (hof), and became, as he had been in Norway, the chief, the pontiff, and the judge of the herad."

But, as was shown when treating of political differentiation, it is not only by external aggressors that the joint possession by all freemen of the area they inhabit is over-ridden. It is over-ridden, also, by those internal aggressors whose power becomes great in proportion as the militancy of the society becomes chronic. With the personal subordination generated by warfare, there goes such subordination of ownership, that lands previously held absolutely by the community, come to be held subject to the claims of the local magnate; until, in course of time, the greater part of the occupied area falls into his exclusive possession, and only a small part continues to be common property.

To complete the statement it must be added that occasionally, though rarely, the passing of land into private hands takes place neither by forcible appropriation, nor by the gradual encroachment of a superior, but by general agreement. Where there exists that form of communal ownership under

which joint cultivation is replaced by separate cultivation of parts portioned out—where there results from this a system of periodic redistribution, as of old in certain Greek states, as among the ancient Suevi, and as even down to our own times in some of the Swiss allmends; ownership of land by individuals may and does arise from cessation of the redistribution. Says M. de Laveleye concerning the Swiss allmends—"in the work of M. Rowalewsky, we see how the communal lands became private property by the periodic partitioning becoming more and more rare, and finally falling into desuetude." When not otherwise destroyed, land-owning by the commune tends naturally to end in this way. For besides the inconveniences attendant on re-localization of the members of the commune, positive losses must be entailed by it on many. Out of the whole number, the less skilful and less diligent will have reduced their plots to lower degrees of fertility; and the rest will have a motive for opposing a redistribution which, depriving them of the benefits of past labours, makes over these or parts of them to the relatively unworthy. Evidently this motive is likely, in course of time, to cause refusal to re-divide; and permanent private possession will result.

§ 540. An important factor not yet noticed has cooperated n individualizing property, both movable and fixed; namely, the establishment of measures of quantity and value. Only the rudest balancing of claims can be made before there comes into use appliances for estimating amounts. At the outset, ownership exists only in respect of things actually made or obtained by the labour of the owner; and is therefore narrowly limited in range. But when exchange arises and spreads, first under the indefinite form of barter and then under the definite form of sale and purchase by means of a circulating medium, it becomes easy for ownership to extend itself to other things. Observe how clearly this extension depends on the implied progress of industrialism.

It was pointed out in § 319 that during the pastoral stage, it is impracticable to assign to each member of the family-community, or to each of its dependents, such part of the produce or other property as is proportionate to the value of his labour. Though in the case of Jacob and Laban the bargain made for services was one into which some idea of equivalence entered, yet it was an extremely rude idea; and by no such bargains could numerous transactions, or transactions of smaller kinds, be effected. On asking what must happen when the patriarchal group, becoming settled, assumes one or other enlarged form, we see that reverence for traditional usages, and the necessity of union for mutual defence, conspire to maintain the system of joint production and joint consumption: individualization of property is still hindered. Though under such conditions each person establishes private ownership in respect of things on which he has expended separate labour, or things received in exchange for such products of his separate labour; yet only a small amount of property thus distinguished as private, can be acquired. The greater part of his labour, mixed with that of others, brings returns inseparable from the returns of their labours; and the united returns must therefore be enjoyed in common. But as fast as it becomes safer to dispense with the protection of the family-group; and as fast as increasing commercial intercourse opens careers for those who leave their groups; and as fast as the use of money and measures gives definiteness to exchanges; there come opportunities for accumulating individual possessions, as distinguished from joint possessions. And since among those who labour together and live together, there will inevitably be some who feel restive under the imposed restraints, and also some (usually the same) who feel dissatisfied with the equal sharing among those whose labours are not of equal values; it is inferable that these opportunities will be seized: private ownership will spread at the expense of public ownership. Some illustrations may be given. Speaking of the family-communities of the

Southern Slavs, mostly in course of dissolution, M. de Laveleye says—

"The family-group was far more capable of defending itself against the severity of Turkish rule than were isolated individuals. Accordingly, it is in this part of the southern Slav district that family communities are best preserved, and still form the basis of social order."

The influence of commercial activity as conducing to disintegration, is shown by the fact that these family-communities ordinarily hold together only in rural districts.

"In the neighbourhood of the towns the more varied life has weakened the ancient family-sentiment. Many communities have been dissolved, their property divided and sold, and their members have degenerated into mere tenants and proletarians."

And then the effect of a desire, alike for personal independence and for the exclusive enjoyment of benefits consequent on superiority, is recognized in the remark that these family-communities—

"cannot easily withstand the conditions of a society in which men are striving to improve their own lot, as well as the political and social organization under which they live. . . . Once the desire of self-aggrandisement awakened, man can no longer support the yoke of the *zadruga*. . . . To live according to his own will, to work for himself alone, to drink from his own cup, is now the end preeminently sought."

That this cause of disintegration is general, is implied by passages concerning similar communities still existing in the hill-districts of Lombardy—that is, away from the centres of mercantile activity. Growing averse to the control of the house-fathers, the members of these communities say—

"'Why should we and all our belongings remain in subjection to a master? It were far the best for each to work and think for himself.' As the profits derived from any handicraft form a sort of private *peculium*, the associates are tempted to enlarge this at the expense of the common revenue." And then "the craving to live independently carries him away, and he quits the community."

All which evidence shows that the progress of industrialism is the general cause of this growing individualization of property; for such progress is pre-supposed alike by the greater security which makes it safe to live separately, by the in-

creased opportunity for those sales which further the accumulation of a *peculium*, and by the use of measures of quantity and value: these being implied primarily by such sales, and secondarily by the sale and division of all that has been held in common.

Spread of private ownership, which thus goes along with decay of the system of status and growth of the system of contract, naturally passes on from movable property to fixed property. For when the multiplication of trading transactions has made it possible for each member of a family-community to accumulate a *peculium;* and when the strengthening desire for individual domestic life has impelled the majority of the community to sell the land which they have jointly inherited; the several portions of it, whether sold to separate members of the body or to strangers, are thus reduced by definite agreement to the form of individual properties; and private ownership of land thereby acquires a character apparently like that of other private ownership. In other ways, too, this result is furthered by developing industrialism. If, omitting as not relevant the cases in which the absolute ruler allows no rights of property, landed or other, to his subjects, we pass to the cases in which a conqueror recognizes a partial ownership of land by those to whom he has parcelled it out on condition of rendering services and paying dues, we see that the private land-ownership established by militancy is an incomplete one. It has various incompletenesses. The ownership by the suzerain is qualified by the rights he has made over to his vassals; the rights of the vassals are qualified by the conditions of their tenure; and they are further qualified by the claims of serfs and other dependents, who, while bound to specified services, have specified shares of produce. But with the decline of militancy and concomitant disappearance of vassalage, the obligations of the tenure diminish and finally almost lapse out of recognition; while, simultaneously, abolition of serfdom destroys or obscures the other claims which qualified

private land-ownership.* As both changes are accompaniments of a developing industrialism, it follows that in these ways also, the individualization of property in land is furthered by it.

At first sight it seems fairly inferable that the absolute ownership of land by private persons, must be the ultimate state which industrialism brings about. But though industrialism has thus far tended to individualize possession of land, while individualizing all other possession, it may be doubted whether the final stage is at present reached. Ownership established by force does not stand on the same footing as ownership established by contract; and though multiplied sales and purchases, treating the two ownerships in the same way, have tacitly assimilated them, the assimilation may eventually be denied.. The analogy furnished by assumed rights of possession over human beings, helps us to recognize this possibility. For while prisoners of war, taken by force and held as property in a vague way (being at first much on a footing with other members of a household), were reduced more definitely to the form of property when the buying and selling of slaves became general; and while it might, centuries ago, have been thence inferred that the ownership of man by man was an ownership in course of being permanently established; yet we see that a later stage of civilization, reversing this process, has destroyed ownership of man by man. Similarly, at a stage still more advanced it may be that private ownership of land will disappear. As that primitive freedom of the individual which existed before war established coercive institutions and personal slavery, comes to be re-established as militancy declines; so it seems possible that the primitive ownership of land by the community, which, with the development of coercive institutions, lapsed in large measure or wholly into private ownership, will

* In our own case the definite ending of these tenures took place in 1660: when, for feudal obligations (a burden on landowners) was substituted a beer-excise (a burden on the community).

be revived as industrialism further develops. The *régime* of contract, at present so far extended that the right of property in movables is recognized only as having arisen by exchange of services or products under agreements, or by gift from those who had acquired it under such agreements, may be further extended so far that the products of the soil will be recognized as property only by virtue of agreements between individuals as tenants and the community as landowner. Even now, among ourselves, private ownership of land is not absolute. In legal theory landowners are directly or indirectly tenants of the Crown (which in our day is equivalent to the State, or, in other wards, the Community); and the Community from time to time resumes possession after making due compensation. Perhaps the right of the Community to the land, thus tacitly asserted, will in time to come be overtly asserted; and acted upon after making full allowance for the accumulated value artificially given.

§ 541. The rise and development of arrangements which fix and regulate private possession, thus admit of tolerably clear delineation.

The desire to appropriate, and to keep that which has been appropriated, lies deep, not in human nature only, but in animal nature: being, indeed, a condition to survival. The consciousness that conflict, and consequent injury, may probably result from the endeavour to take that which is held by another, ever tends to establish and strengthen the custom of leaving each in possession of whatever he has obtained by labour; and this custom takes among primitive men the shape of an overtly-admitted claim.

This claim to private ownership, fully recognized in respect of movables made by the possessor, and fully or partially recognized in respect of game killed on the territory over which members of the community wander, is not recognized in respect of this territory itself, or tracts of it. Property is individualized as far as circumstances allow individual claims

to be marked off with some definiteness; but it is not individualized in respect of land, because, under the conditions, no individual claims can be shown, or could be effectually marked off were they shown.

With the passage from a nomadic to a settled state, ownership of land by the community becomes qualified by individual ownership; but only to the extent that those who clear and cultivate portions of the surface have undisturbed enjoyment of its produce. Habitually the public claim survives; and either when, after a few crops, the cleared tract is abandoned, or when, after transmission to descendants, it has ceased to be used by them, it reverts to the community. And this system of temporary ownership, congruous with the sentiments and usages inherited from ancestral nomads, is associated also with an undeveloped agriculture: land becoming exhausted after a few years.

Where the patriarchal form of organization has been carried from the pastoral state into the settled state, and, sanctified by tradition, is also maintained for purposes of mutual protection, possession of land partly by the clan and partly by the family, long continues; at the same time that there is separate possession of things produced by separate labour. And while in some cases the communal land-ownership, or family land-ownership, survives, it in other cases yields in various modes and degrees to qualified forms of private ownership, mostly temporary, and subject to supreme ownership by the public.

But war, both by producing class-differentiations within each society, and by effecting the subjugation of one society by another, undermines or destroys communal proprietorship of land; and partly or wholly substitutes for it, either the unqualified proprietorship of an absolute conqueror, or proprietorship by a conqueror qualified by the claims of vassals holding it under certain conditions, while their claims are in turn qualified by those of dependents attached to the soil. That is to say, the system of status which militancy develops,

involves a graduated ownership of land as it does a graduated ownership of persons.

Complete individualization of ownership is an accompaniment of industrial progress. From the beginning, things identified as products of a man's own labour are recognized as his; and throughout the course of civilization, communal possession and joint household living, have not excluded the recognition of a *peculium* obtained by individual effort. Accumulation of movables privately possessed, arising in this way, increases as militancy is restrained by growing industrialism; because this pre-supposes greater facility for disposing of industrial products; because there come along with it measures of quantity and value, furthering exchange; and because the more pacific relations implied render it safer for men to detach themselves from the groups in which they previously kept together for mutual protection. The individualization of ownership, extended and made more definite by trading transactions under contract, eventually affects the ownership of land. Bought and sold by measure and for money, land is assimilated in this respect to the personal property produced by labour; and thus becomes, in the general apprehension, confounded with it. But there is reason to suspect that while private possession of things produced by labour, will grow even more definite and sacred than at present; the inhabited area, which cannot be produced by labour, will eventually be distinguished as something which may not be privately possessed. As the individual, primitively owner of himself, partially or wholly loses ownership of himself during the militant *régime*, but gradually resumes it as the industrial *régime* develops; so, possibly, the communal proprietorship of land, partially or wholly merged in the ownership of dominant men during evolution of the militant type, will be resumed as the industrial type becomes fully evolved.

CHAPTER XVI.

REVENUE.

§ 542. Broadly dividing the products of men's labours into the part which remains with them for private purposes and the part taken from them for public purposes; and recognizing the truism that the revenue constituted by this last part must increase with the development of the public organization supported by it; we may be prepared for the fact that in early stages of social evolution, nothing answering to revenue exists.

The political head being at first distinguished from other members of the community merely by some personal superiority, his power, often recognized only during war, is, if recognized at other times, so slight as to bring him no material advantage. Habitually in rude tribes he provides for himself as a private man. Sometimes, indeed, instead of gaining by his distinction he loses by it. Among the Dakotas "the civil-chiefs and war-chiefs are distinguished from the rest by their poverty. They generally are poorer clad than any of the rest." A statement concerning the Abipones shows us why this occasionally happens.

"The cacique has nothing, either in his arms or his clothes, to distinguish him from a common man, except the peculiar oldness and shabbiness of them; for if he appears in the streets with new and handsome apparel, . . . the first person he meets will boldly cry, Give me that dress . . . and unless he immediately parts with it, he becomes the scoff and the scorn of all, and hears himself called covetous."

Among the Patagonians the burdens entailed by relieving and protecting inferiors, lead to abdication. Many "born

Caciques refuse to have any vassals; as they cost them dear, and yield but little profit."

Generally, however, and always where war increases his predominance, the leading warrior begins to be distinguished by wealth accruing to him in sundry ways. The superiority which gains him supremacy, implying as it mostly does greater skill and energy, conduces to accumulation: not uncommonly, as we have seen, (§ 472) the primitive chief is also the rich man. And this possession of much private property grows into a conspicuous attribute when, in the settled state, land held by the community begins to be appropriated by its more powerful members. Rulers habitually become large landowners. In ancient Egypt there were royal lands. Of the primitive Greek king we read that "an ample domain is assigned to him [? taken by him] as an appurtenance of his lofty position." And among other peoples in later times, we find the monarch owning great estates. The income hence derived, continues to the last to represent that revenue which the political head originally had, when he began to be marked off from the rest only by some personal merit.

Such larger amount of private means as thus usually distinguishes the head man at the outset, augments as successful war, increasing his predominance, brings him an increasing portion of the spoils of conquered peoples. In early stages it is the custom for each warrior to keep whatever he personally takes in battle; while that which is taken jointly is in some cases equally divided. But of course the chief is apt to get an extra share; either by actual capture, or by the willing award of his comrades, or, it may be, by forcible appropriation. And as his power grows, this forcible appropriation is yielded to, sometimes tacitly, sometimes under protest; as we are shown by the central incident in the *Iliad*. Through later stages his portion of plunder, reserved before division of the remainder among followers, continues to be a source of revenue. And where he becomes absolute, the property taken

from the vanquished, lessened only by such portions as he gives in reward for services, augments his means of supporting his dependents and maintaining his supremacy.

To these sources of income which may be classed as incidental, is simultaneously added a source which is constant. When predominance of the chief has become so decided that he is feared, he begins to receive propitiatory presents; at first occasionally and afterwards periodically. Already in §§ 369–71, when treating of presents under their ceremonial aspects, I have given illustrations; and many more may be added. Describing the king among the Homeric Greeks, Grote writes—"Moreover he receives frequent presents, to avert his enmity, to conciliate his favour, or to buy off his exactions." So, too, of the primitive Germans, we are told by Tacitus that "it is the custom of the states to bestow by voluntary and individual contribution on the chiefs, a present of cattle or of grain, which, while accepted as a compliment, supplies their wants." And gifts to the ruler voluntarily made to obtain good will, or prevent ill will, continue to be a source of revenue until quite late stages. Among ourselves "during the reign of Elizabeth, the custom of presenting New Year's gifts to the sovereign was carried to an extravagant height;" and even "in the reign of James I. the money gifts seem to have been continued for some time."

Along with offerings of money and goods there go offerings of labour. Not unfrequently in primitive communities, it is the custom for all to join in building a new house or clearing a plot of ground for one of their number: such benefits being reciprocated. Of course the growing predominance of a political head, results in a more extensive yielding of gratuitous labour for his benefit, in these and other ways. The same motives which prompt gifts to the ruler prompt offers of help to him more than to other persons; and thus the custom of working for him grows into a usage. We read of the village chief among the Guaranis that "his subjects cultivated for

him his plantation, and he enjoyed certain privileges on division of the spoils of the chase. Otherwise he possessed no marks of distinction." And the like practice was followed by some historic races during early stages. In ancient Rome it was "the privilege of the king to have his fields tilled by taskwork of the burgesses."

§ 543. Growth of the regular and definite out of the irregular and indefinite, variously exemplified in the foregoing chapters, is here again exemplified very clearly. For, as already said, it is from propitiatory presents and services, at first spontaneous and incidental, that there eventually come taxes specified in their amounts and times of payment.

It needs but to observe how such a custom as that of making wedding-presents has acquired a partially coercive character, to understand how, when once there begins the practice of seeking the good will of the headman by a gift, this practice is apt to be established. One having gained by it, another follows his example. The more generally the example is followed the greater becomes the disadvantage to those who do not follow it. Until at length all give because none dare stand conspicuous as exceptions. Of course if some repeat the presents upon such occasions as first prompted them, others have to do the like; and at length the periodic obligation becomes so peremptory, that the gift is demanded when it is not offered. In Loango, where presents are expected from all free subjects, "if the king thinks they do not give enough, he sends slaves to their places to take what they have." Among the Tongans, who from time to time give their king or chief "yams, mats, gnatoo, dried fish, live birds, &c.," the quantity is determined "generally by the will of each individual, who will always take care to send as much as he can well afford, lest the superior chief should be offended with him, and deprive him of all that he has." At the present time in Cashmere, at the spring festival, "it is the custom . . . for the Maharajah's servants to bring him a

nazar, a present. . . . This has now become so regulated that every one is on these days [festivals] obliged to give from a 10th to a 12th of his monthly pay. . . . The name of each is read from a list, and the amount of his nazar is marked down: those that are absent will have the sum deducted from their pay." Traces of a like transition are seen in the fact that in ancient times crowns of gold, beginning as gifts made by dependent states to Eastern rulers, and by Roman provinces to generals or pro-consuls, became sums of money demanded as of right; and again in the fact that in our own early history, we read of "exactions called benevolences."

Similarly with the labour which, at first voluntarily given to the chief, comes, as his power grows, to be compulsory. Here are some illustrations showing stages in the transition.

A Kafir chief "summons the people to cultivate his gardens, reap his crops, and make his fences; but in this, as in other respects, he has to consult the popular will, and hence the manual labour required by the chiefs has always been of very limited duration."

In the Sandwich Islands, "when a chief wants a house, he requires the labour of all who hold lands under him. . . . Each division of the people has a part of the house allotted by the chief in proportion to its number."

In ancient Mexico "the personal and common service which furnished the water and wood required every day in the houses of the chiefs, was distributed from day to day among the villages and quarters."

It was the same in Yucatan: "the whole community did the sowing for the lord, looked after the seed, and harvested what was required for him and his house."

So in the adjacent regions of Guatemala and San Salvador, "the tribute was paid by means of the cultivation of estates." And in Madagascar "the whole population is liable to be employed on government work, without remuneration, and for any length of time."

Occurring among peoples unallied in blood and unlike in their stages of civilization, these facts show the natural growing up of a forced labour system such as that which existed during feudal times throughout Europe, when labour

was exacted from dependents by local rulers, and became also a form of tribute to the central ruler; as instance the specified number of day's work which, before the Revolution, had to be given by French peasants to the State under the name of *corvée*.

After presents freely given have passed into presents expected and finally demanded, and volunteered help has passed into exacted service, the way is open for a further step. Change from the voluntary to the compulsory, accompanied as it necessarily is by specification of the amounts of commodities and work required, is apt to be followed eventually by substitution of money payments. During stages in which there has not arisen a circulating medium, the ruler, local or general, is paid his revenue in kind. In Fiji a chief's house is supplied with daily food by his dependents; and tribute is paid by the chiefs to the king "in yams, taro, pigs, fowls, native cloth, &c." In Tahiti, where besides supplies derived from "the hereditary districts of the reigning family," there were "requisitions made upon the people;" the food was generally brought cooked. In early European societies, too, the expected donations to the ruler continued to be made partly in goods, animals, clothes, and valuables of all kinds, long after money was in use. But the convenience both of giver and receiver prompts commutation, when the values of the presents looked for have become settled. And from kindred causes there also comes, as we have seen in a previous chapter, commutation of military services and commutation of labour services. No matter what its nature, that which was at first spontaneously offered, eventually becomes a definite sum taken, if need be, by force—a tax.

§ 544. At the same time his growing power enables the political head to enforce demands of many other kinds. European histories furnish ample proofs.

Besides more settled sources of revenue, there had, in the early feudal period, been established such others as are typi-

cally illustrated by a statement concerning the Dukes of Normandy in the 12th century. They profited by escheats (lands reverting to the monarch in default of posterity of the first baron); by guardianships and reliefs; by seizure of the property of deceased prelates, usurers, excommunicated persons, suicides, and certain criminals; and by treasure-trove. They were paid for conceded privileges; and for confirmations of previous concessions. They received bribes when desired to do justice; and were paid fines by those who wished to be maintained in possession of property, or to get liberty to exercise certain rights. In England, under the Norman kings, there were such other sources of revenue as compositions paid by heirs before taking possession; sales of wardships; sales to male heirs of rights to choose their wives; sales of charters to towns, and subsequent re-sales of such charters; sales of permissions to trade; and there was also what was called "moneyage"—a shilling paid every three years by each hearth to induce the king not to debase the coinage. Advantage was taken of every favourable opportunity for making and enforcing a demand; as we see in such facts as that it was customary to mulct a discharged official, and that Richard I. "compelled his father's servants to repurchase their offices."

Showing us, as such illustrations do, that these arbitrary seizures and exactions are numerous and heavy in proportion as the power of the ruler is little restrained, the implication is that they reach their extreme where the social organization is typically militant. Evidence that this is so, was given in § 443; and in the next chapter, under another head, we shall meet with more of it.

§ 545. While in the ways named in the foregoing sections, there arise direct taxes, there simultaneously arise, and insensibly diverge, the taxes eventually distinguished as indirect. These begin as demands made on those who have got considerable quantities of commodities exposed in transit,

or on sale; and of which parts, originally offered as presents, are subsequently seized as dues.

Under other heads I have referred to the familiar fact that travellers among rude peoples make propitiatory gifts; and by frequent recurrence the reception of these generates a claim. Narratives of recent African explorers confirm the statements of Livingstone, who describes the Portuguese traders among the Quanga people as giving largely, because "if they did not secure the friendship of these petty chiefs, many slaves might be stolen with their loads while passing through the forests;" and who says of a Balonda chief that "he seemed to regard these presents as his proper dues, and as a cargo of goods had come by Senhor Pascoal, he entered the house for the purpose of receiving his share." Various cases show that instead of attempting to take all at the risk of a fight, the head man enters into a compromise under which part is given without a fight; as instance the habitual arrangement with Bedouin tribes, which compound for robbery of travellers by amounts agreed upon; or as instance the mountain Bhils of India, whose chiefs have "seldom much revenue except plunder," who have officers "to obtain information of unprotected villagers and travellers," and who claim "a duty on goods passing their hills:" apparently a composition accepted when those who carry the goods are too strong to be robbed without danger. Where the protection of individuals depends mainly on family-organizations and clan-organizations, the subject as well as the stranger, undefended when away from his home, similarly becomes liable to this qualified black mail. Now to the local ruler, now to the central ruler, according to their respective powers, he yields up part of his goods, that possession of the rest may be guaranteed him, and his claims on buyers enforced. This state of things was illustrated in ancient Mexico, where—

"Of all the goods which were brought into the market, a certain portion was paid in tribute to the king, who was on his part obliged to do justice to the merchants, and to protect their property and their persons."

We trace the like in the records of early European peoples. Part of the revenue of the primitive Greek king, consisted of "the presents paid for licences to trade"—presents which in all probability were at first portions of the commodities to be sold. At a later period in Greece there obtained a practice that had doubtless descended from this. "To these men [magistrates of markets] a certain toll or tribute was paid by all those who brought anything to sell in the market." In western Europe indirect taxation had a kindred origin. The trader, at the mercy of the ruler whose territory he entered, had to surrender part of his mechandise in consideration of being allowed to pass. As feudal lords, swooping down from their castles on merchants passing along neighbouring roads or navigable rivers, took by force portions of what they had, when they did not take all; so their suzerains laid hands on what they pleased of cargoes entering their ports or passing their frontiers: their shares gradually becoming defined by precedent. In England, though there is no clear proof that the two tuns which the king took from wine-laden ships (wine being then the chief import) was originally an unqualified seizure; yet, since this quantity was called "the king's prisage" we have good reason for suspecting that it was so; and that though, afterwards, the king's officer gave something in return, this, being at his option, was but nominal. The very name "customs," eventually applied to commuted payments on imports, points back to a preceding time when this yielding up of portions of cargoes had become established by usage. Confirmation of this inference is furnished by the fact that internal traders were thus dealt with. So late as 1309 it was complained "that the officers appointed to take articles for the king's use in fairs and markets, took more than they ought, and made a profit of the surplus."

Speaking generally of indirect taxes, we may say that arising when the power of the ruler becomes sufficient to change gifts into exactions, they at first differ from other

exactions simply in this, that they are enforced on occasions when the subject is more than usually at the ruler's mercy; either because he is exposing commodities for sale where they can be easily found and a share taken; or because he is transferring them from one part of the territory to another, and can be readily stopped and a portion demanded; or because he is bringing commodities into the territory, and can have them laid hands on at one of the few places of convenient entrance. The shares appropriated by the ruler, originally in kind, are early commuted into money where the commodities are such as, by reason of quantity or distance, he cannot consume: instance the load-penny payable at the pit's mouth on each waggon-load to the old English kings. And the claim comes to be similarly commuted in other cases, as fast as increasing trade brings a more abundant circulating medium, and a greater quantity of produced and imported commodities; the demanded portions of which it becomes more difficult to transport and to utilize.

§ 546. No great advantage would be gained by here going into details. The foregoing general facts appear to be all that it is needful for us to note.

From the outset the growth of revenue has, like that growth of the political headship which it accompanies, been directly or indirectly a result of war. The property of conquered enemies, at first goods, cattle, prisoners, and at a later stage, land, coming in larger share to the leading warrior, increases his predominance. To secure his good will, which it is now important to do, propitiatory presents and help in labour are given; and these, as his power further grows, become periodic and compulsory. Making him more despotic at the same time that it augments his kingdom, continuance of this process increases his ability to enforce contributions, alike from his original subjects and from tributaries; while the necessity for supplies, now to defend his kingdom, now to invade adjacent kingdoms, is ever made the plea for

increasing his demands of established kinds and for making new ones. Under stress of the alleged needs, portions of their goods are taken from subjects whenever they are exposed to view for purposes of exchange. And as the primitive presents of property and labour, once voluntary and variable, but becoming compulsory and periodic, are eventually commuted into direct taxes; so these portions of the trader's goods which were originally given for permission to trade and then seized as of right, come eventually to be transformed into percentages of value paid as tolls and duties.

But to the last as at first, and under free governments as under despotic ones, war continues to be the usual reason for imposing new taxes or increasing old ones; at the same time that the coercive organization in past times developed by war, continues to be the means of exacting them.

CHAPTER XVII.

THE MILITANT TYPE OF SOCIETY.

§ 547. Preceding chapters have prepared the way for framing conceptions of the two fundamentally-unlike kinds of political organization, proper to the militant life and the industrial life, respectively. It will be instructive here to arrange in coherent order, those traits of the militant type already incidentally marked, and to join with them various dependent traits; and in the next chapter to deal in like manner with the traits of the industrial type.

During social evolution there has habitually been a mingling of the two. But we shall find that, alike in theory and in fact, it is possible to trace with due clearness those opposite characters which distinguish them in their respective complete developments. Especially is the nature of the organization which accompanies chronic militancy, capable of being inferred *à priori* and proved *à posteriori* to exist in numerous cases. While the nature of the organization accompanying pure industrialism, of which at present we have little experience, will be made clear by contrast; and such illustrations as exist of progress towards it will become recognizable.

Two liabilities to error must be guarded against. We have to deal with societies compounded and re-compounded in various degrees; and we have to deal with societies which, differing in their stages of culture, have their structures elaborated to different extents. We shall be misled, therefore, unless our comparisons are such as take account of unlikenesses in size and in civilization. Clearly, characteristics of the militant type which admit of being displayed by a vast

nation, may not admit of being displayed by a horde of savages, though this is equally militant. Moreover, as institutions take long to acquire their finished forms, it is not to be expected that all militant societies will display the organization appropriate to them in its completeness. Rather may we expect that in most cases it will be incompletely displayed.

In face of these difficulties the best course will be to consider, first, what are the several traits which of necessity militancy tends to produce; and then to observe how far these traits are conjointly shown in past and present nations distinguished by militancy. Having contemplated the society ideally organized for war, we shall be prepared to recognize in real societies the characters which war has brought about.

§ 548. For preserving its corporate life, a society is impelled to corporate action; and the preservation of its corporate life is the more probable in proportion as its corporate action is the more complete. For purposes of offence and defence, the forces of individuals have to be combined; and where every individual contributes his force, the probability of success is greatest. Numbers, natures, and circumstances being equal, it is clear that of two tribes or two larger societies, one of which unites the actions of all its capable members while the other does not, the first will ordinarily be the victor. There must be an habitual survival of communities in which militant cooperation is universal.

This proposition is almost a truism. But it is needful here, as a preliminary, consciously to recognize the truth that the social structure evolved by chronic militancy, is one in which all men fit for fighting act in concert against other societies. Such further actions as they carry on they can carry on separately; but this action they must carry on jointly.

§ 549. A society's power of self-preservation will be great in proportion as, besides the direct aid of all who can fight,

there is given the indirect aid of all who cannot fight. Supposing them otherwise similar, those communities will survive in which the efforts of combatants are in the greatest degree seconded by those of non-combatants. In a purely militant society, therefore, individuals who do not bear arms have to spend their lives in furthering the maintenance of those who do. Whether, as happens at first, the non-combatants are exclusively the women; or whether, as happens later, the class includes enslaved captives; or whether, as happens later still, it includes serfs; the implication is the same. For if, of two societies equal in other respects, the first wholly subordinates its workers in this way, while the workers in the second are allowed to retain for themselves the produce of their labour, or more of it than is needful for maintaining them; then, in the second, the warriors, not otherwise supported, or supported less fully than they might else be, will have partially to support themselves, and will be so much the less available for war purposes. Hence in the struggle for existence between such societies, it must usually happen that the first will vanquish the second. The social type produced by survival of the fittest, will be one in which the fighting part includes all who can bear arms and be trusted with arms, while the remaining part serves simply as a permanent commissariat.

An obvious implication, of a significance to be hereafter pointed out, is that the non-combatant part, occupied in supporting the combatant part, cannot with advantage to the self-preserving power of the society increase beyond the limit at which it efficiently fulfils its purpose. For, otherwise, some who might be fighters are superfluous workers; and the fighting power of the society is made less than it might be. Hence, in the militant type, the tendency is for the body of warriors to bear the largest practicable ratio to the body of workers.

§ 550. Given two societies of which the members are all

either warriors or those who supply the needs of warriors, and, other things equal, supremacy will be gained by that in which the efforts of all are most effectually combined. In open warfare joint action triumphs over individual action. Military history is a history of the successes of men trained to move and fight in concert.

Not only must there be in the fighting part a combination such that the powers of its units may be concentrated, but there must be a combination of the subservient part with it. If the two are so separated that they can act independently, the needs of the fighting part will not be adequately met. If to be cut off from a temporary base of operations is dangerous, still more dangerous is it to be cut off from the permanent base of operations; namely, that constituted by the body of non-combatants. This has to be so connected with the body of combatants that its services may be fully available. Evidently, therefore, development of the militant type involves a close binding of the society into a whole. As the loose group of savages yields to the solid phalanx, so, other things equal, must the society of which the parts are but feebly held together, yield to one in which they are held together by strong bonds.

§ 551. But in proportion as men are compelled to cooperate, their self-prompted actions are restrained. By as much as the unit becomes merged in the mass, by so much does he lose his individuality as a unit. And this leads us to note the several ways in which evolution of the militant type entails subordination of the citizen.

His life is not his own, but is at the disposal of his society. So long as he remains capable of bearing arms he has no alternative but to fight when called on; and, where militancy is extreme, he cannot return as a vanquished man under penalty of death.

Of course, with this there goes possession of such liberty only as military obligations allow. He is free to pursue his

private ends only when the tribe or nation has no need of him; and when it has need of him, his actions from hour to hour must conform, not to his own will but to the public will.

So, too, with his property. Whether, as in many cases, what he holds as private he so holds by permission only, or whether private ownership is recognized, it remains true that in the last resort he is obliged to surrender whatever is demanded for the community's use.

Briefly, then, under the militant type the individual is owned by the State. While preservation of the society is the primary end, preservation of each member is a secondary end —an end cared for chiefly as subserving the primary end.

§ 552. Fulfilment of these requirements, that there shall be complete corporate action, that to this end the non-combatant part shall be occupied in providing for the combatant part, that the entire aggregate shall be strongly bound together, and that the units composing it must have their individualities in life, liberty, and property, thereby subordinated, presupposes a coercive instrumentality. No such union for corporate action can be achieved without a powerful controlling agency. On remembering the fatal results caused by division of counsels in war, or by separation into factions in face of an enemy, we see that chronic militancy tends to develop a despotism; since, other things equal, those societies will habitually survive in which, by its aid, the corporate action is made complete.

And this involves a system of centralization. The trait made familiar to us by an army, in which, under a commander-in-chief there are secondary commanders over large masses, and under these tertiary ones over smaller masses, and so on down to the ultimate divisions, must characterize the social organization at large. A militant society requires a regulative structure of this kind, since, otherwise, its

corporate action cannot be made most effectual. Without such grades of governing centres diffused throughout the non-combatant part as well as the combatant part, the entire forces of the aggregate cannot be promptly put forth. Unless the workers are under a control akin to that which the fighters are under, their indirect aid cannot be insured in full amount and with due quickness.

And this is the form of a society characterized by *status*—a society, the members of which stand one towards another in successive grades of subordination. From the despot down to the slave, all are masters of those below and subjects of those above. The relation of the child to the father, of the father to some superior, and so on up to the absolute head, is one in which the individual of lower status is at the mercy of one of higher status.

§ 553. Otherwise described, the process of militant organization is a process of regimentation, which, primarily taking place in the army, secondarily affects the whole community.

The first indication of this we trace in the fact everywhere visible, that the military head grows into a civil head—usually at once, and, in exceptional cases, at last, if militancy continues. Beginning as leader in war he becomes ruler in peace; and such regulative policy as he pursues in the one sphere, he pursues, so far as conditions permit, in the other. Being, as the non-combatant part is, a permanent commissariat, the principle of graduated subordination is extended to it. Its members come to be directed in a way like that in which the warriors are directed—not literally, since by dispersion of the one and concentration of the other exact parallelism is prevented; but, nevertheless, similarly in principle. Labour is carried on under coercion; and supervision spreads everywhere.

To suppose that a despotic military head, daily maintain-

ing regimental control in conformity with inherited traditions, will not impose on the producing classes a kindred control, is to suppose in him sentiments and ideas entirely foreign to his circumstances.

§ 554. The nature of the militant form of government will be further elucidated on observing that it is both positively regulative and negatively regulative. It does not simply restrain; it also enforces. Besides telling the individual what he shall not do, it tells him what he shall do.

That the government of an army is thus characterised needs no showing. Indeed, commands of the positive kind given to the soldier are more important than those of the negative kind: fighting is done under the one, while order is maintained under the other. But here it chiefly concerns us to note that not only the control of military life but also the control of civil life, is, under the militant type of government, thus characterized. There are two ways in which the ruling power may deal with the private individual. It may simply limit his activities to those which he can carry on without aggression, direct or indirect, upon others; in which case its action is negatively regulative. Or, besides doing this, it may prescribe the how, and the where, and the when, of his activities—may force him to do things which he would not spontaneously do—may direct in greater or less detail his mode of living; in which case its action is positively regulative. Under the militant type this positively regulative action is widespread and peremptory. The civilian is in a condition as much like that of the soldier as difference of occupation permits.

And this is another way of expressing the truth that the fundamental principle of the militant type is compulsory cooperation. While this is obviously the principle on which the members of the combatant body act, it no less certainly must be the principle acted on throughout the non-combatant body, if military efficiency is to be great; since, otherwise,

the aid which the non-combatant body has to furnish cannot be insured.

§ 555. That binding together by which the units of a militant society are made into an efficient fighting structure, tends to fix the position of each in rank, in occupation, and in locality.

In a graduated regulative organization there is resistance to change from a lower to a higher grade. Such change is made difficult by lack of the possessions needed for filling superior positions; and it is made difficult by the opposition of those who already fill them, and can hold inferiors down. Preventing intrusion from below, these transmit their respective places and ranks to their descendants; and as the principle of inheritance becomes settled, the rigidity of the social structure becomes decided. Only where an "egalitarian despotism" reduces all subjects to the same political status—a condition of decay rather than of development—does the converse state arise.

The principle of inheritance, becoming established in respect of the classes which militancy originates, and fixing the general functions of their members from generation to generation, tends eventually to fix also their special functions. Not only do men of the slave-classes and the artizan-classes succeed to their respective ranks, but they succeed to the particular occupations carried on in them. This, which is a result of the tendency towards regimentation, is ascribable primarily to the fact that a superior, requiring from each kind of worker his particular product, has an interest in replacing him at death by a capable successor; while the worker, prompted to get aid in executing his tasks, has an interest in bringing up a son to his own occupation: the will of the son being powerless against these conspiring interests. Under the system of compulsory cooperation, therefore, the principle of inheritance, spreading through the producing organization, causes a relative rigidity in this also.

A kindred effect is shown in the entailed restraints on movement from place to place. In proportion as the individual is subordinated in life, liberty, and property, to his society, it is needful that his whereabouts shall be constantly known. Obviously the relation of the soldier to his officer, and of this officer to his superior, is such that each must be ever at hand; and where the militant type is fully developed the like holds throughout the society. The slave cannot leave his appointed abode; the serf is tied to his allotment: the master is not allowed to absent himself from his locality without leave.

So that the corporate action, the combination, the cohesion, the regimentation, which efficient militancy necessitates, imply a structure which strongly resists change.

§ 556. A further trait of the militant type, naturally accompanying the last, is that organizations other than those forming parts of the State-organization, are wholly or partially repressed. The public combination occupying all fields, excludes private combinations.

For the achievement of complete corporate action there must, as we have seen, be a centralized administration, not only throughout the combatant part but throughout the non-combatant part; and if there exist unions of citizens which act independently, they in so far diminish the range of this centralized administration. Any structures which are not portions of the State-structure, serve more or less as limitations to it, and stand in the way of the required unlimited subordination. If private combinations are allowed to exist, it will be on condition of submitting to an official regulation such as greatly restrains independent action; and since private combinations officially regulated are inevitably hindered from doing things not conforming to established routine, and are thus debarred from improvement, they cannot habitually thrive and grow. Obviously, indeed, such combinations, based on the principle of voluntary cooperation,

are incongruous with social arrangements based on the principle of compulsory cooperation. Hence the militant type is characterized by the absence, or comparative rarity, of bodies of citizens associated for commercial purposes, for propagating special religious views, for achieving philanthropic ends, &c.

Private combinations of one kind, however, are congruous with the militant type—the combinations, namely, which are formed for minor defensive or offensive purposes. We have, as examples, those which constitute factions, very general in militant societies; those which belong to the same class as primitive guilds, serving for mutual protection; and those which take the shape of secret societies. Of such bodies it may be noted that they fulfil on a small scale ends like those which the whole society fulfils on a large scale—the ends of self-preservation, or aggression, or both. And it may be further noted that these small included societies are organized on the same principle as the large including society—the principle of compulsory cooperation. Their governments are coercive: in some cases even to the extent of killing those of their members who are disobedient.

§ 557. A remaining fact to be set down is that a society of the militant type tends to evolve a self-sufficient sustaining organization. With its political autonomy there goes what we may call an economic autonomy. Evidently if it carries on frequent wars against surrounding societies, its commercial intercourse with them must be hindered or prevented: exchange of commodities can go on to but a small extent between those who are continually fighting. A militant society must, therefore, to the greatest degree practicable, provide internally the supplies of all articles needful for carrying on the lives of its members. Such an economic state as that which existed during early feudal times, when, as in France, "the castles made almost all the articles used in them," is a state evidently entailed on groups, small or

large, which are in constant antagonism with surrounding groups. If there does not already exist within any group so circumstanced, an agency for producing some necessary article, inability to obtain it from without will lead to the establishment of an agency for obtaining it within.

Whence it follows that the desire "not to be dependent on foreigners" is one appropriate to the militant type of society. So long as there is constant danger that the supplies of needful things derived from other countries will be cut off by the breaking out of hostilities, it is imperative that there shall be maintained a power of producing these supplies at home, and that to this end the required structures shall be maintained. Hence there is a manifest direct relation between militant activities and a protectionist policy.

§ 558. And now having observed the traits which may be expected to establish themselves by survival of the fittest during the struggle for existence among societies, let us observe how these traits are displayed in actual societies, similar in respect of their militancy but otherwise dissimilar.

Of course in small primitive groups, however warlike they may be, we must not look for more than rude outlines of the structure proper to the militant type. Being loosely aggregated, definite arrangement of their parts can be carried but to a small extent. Still, so far as it goes, the evidence is to the point. The fact that habitually the fighting body is coextensive with the adult male population, is so familiar that no illustrations are needed. An equally familiar fact is that the women, occupying a servile position, do all the unskilled labour and bear the burdens; with which may be joined the fact that not unfrequently during war they carry the supplies, as in Asia among the Bhils and Khonds, as in Polynesia among the new Caledonians and Sandwich Islanders, as in America among the Comanches, Mundrucus, Patagonians: their office as forming the permanent commissariat being thus clearly shown. We see, too, that where the enslaving of

captives has arisen, these also serve to support and aid the combatant class; acting during peace as producers and during war joining the women in attendance on the army, as among the New Zealanders, or, as among the Malagasy, being then exclusively the carriers of provisions, &c. Again, in these first stages, as in later stages, we are shown that private claims are, in the militant type, over-ridden by public claims. The life of each man is held subject to the needs of the group; and, by implication, his freedom of action is similarly held. So, too, with his goods; as instance the remark made of the Brazilian Indians, that personal property, recognized but to a limited extent during peace, is scarcely at all recognized during war; and as instance Hearne's statement concerning certain hyperborean tribes of North America when about to make war, that "property of every kind that could be of general use now ceased to be private." To which add the cardinal truth, once more to be repeated, that where no political subordination exists war initiates it. Tacitly or overtly a chief is temporarily acknowledged; and he gains permanent power if war continues. From these beginnings of the militant type which small groups show us, let us pass to its developed forms as shown in larger groups.

"The army, or what is nearly synonymous, the nation of Dahome," to quote Burton's words, furnishes us with a good example: the excessive militancy being indicated by the fact that the royal bedroom is paved with skulls of enemies. Here the king is absolute, and is regarded as supernatural in character—he is the "spirit;" and of course he is the religious head—he ordains the priests. He absorbs in himself all powers and all rights: "by the state-law of Dahome . . . all men are slaves to the king." He "is heir to all his subjects;" and he takes from living subjects whatever he likes. When we add that there is a frequent killing of victims to carry messages to the other world, as well as occasions on which numbers are sacrificed to supply deceased kings with attendants, we are shown that life, liberty, and property, are

at the entire disposal of the State as represented by its head. In both the civil and military organizations, the centres and sub-centres of control are numerous. Names, very generally given by the king and replacing surnames, change " with every rank of the holder; " and so detailed is the regimentation that " the dignities seem interminable." There are numerous sumptuary laws; and, according to Waitz, no one wears any other clothing or weapons than what the king gives him or allows him. Under penalty of slavery or death, " no man must alter the construction of his house, sit upon a chair, or be carried on a hammock, or drink out of a glass," without permission of the king.

The ancient Peruvian empire, gradually established by the conquering Yncas, may next be instanced. Here the ruler, divinely descended, sacred, absolute, was the centre of a system which minutely controlled all life. His headship was at once military, political, ecclesiastical, judicial; and the entire nation was composed of those who, in the capacity of soldiers, labourers, and officials, were slaves to him and his deified ancestors. Military service was obligatory on all taxable Indians who were capable; and those of them who had served their prescribed terms, formed into reserves, had then to work under State-superintendence. The army having heads over groups of ten, fifty, a hundred, five hundred, a thousand, ten thousand, had, besides these, its superior commanders of Ynca blood. The community at large was subject to a parallel regimentation: the inhabitants registered in groups, being under the control of officers over tens, fifties, hundreds, and so on. And through these successive grades of centres, reports ascended to the Ynca-governors of great divisions, passing on from them to the Ynca; while his orders descended " from rank to rank till they reached the lowest." There was an ecclesiastical organization similarly elaborate, having, for example, five classes of diviners; and there was an organization of spies to examine and report upon the doings of the other officers. Everything was under public

inspection. There were village-officers who overlooked the ploughing, sowing, and harvesting. When there was a deficiency of rain, measured quantities of water were supplied by the State. All who travelled without authority were punished as vagabonds; but for those who were authorized to travel for public purposes, there were establishments supplying lodging and necessaries. "It was the duty of the decurions to see that the people were clothed;" and the kinds of cloth, decorations, badges, &c., to be worn by the different ranks were prescribed. Besides this regulation of external life there was regulation of domestic life. The people were required to "dine and sup with open doors, that the judges might be able to enter freely;" and these judges had to see that the house, clothes, furniture, &c., were kept clean and in order, and the children properly disciplined: those who mismanaged their houses being flogged. Subject to this minute control, the people laboured to support this elaborate State-organization. The political, religious, and military classes were exempt from tribute; while the labouring classes when not serving in the army, had to yield up all produce beyond that required for their bare sustenance. Of the whole empire, one-third was allotted for supporting the State, one-third for supporting the priesthood who ministered to the manes of ancestors, and the remaining third had to support the workers. Besides giving tribute by tilling the lands of the Sun and the King, the workers had to till the lands of the soldiers on duty, as well as those of incapables. And they also had to pay tribute of clothes, shoes, and arms. Of the lands on which the people maintained themselves, a tract was apportioned to each man according to the size of his family. Similarly with the produce of the flocks. Such moiety of this in each district as was not required for supplying public needs, was periodically shorn, and the wool divided by officials. These arrangements were in pursuance of the principle that "the private property of each man was held by favour of the Ynca, and according to their laws he had no other title to

it." Thus the people, completely possessed by the State in person, property, and labour, transplanted to this or that locality as the Ynca directed, and, when not serving as soldiers, living under a discipline like that within the army, were units in a centralized regimented machine, moved throughout life to the greatest practicable extent by the Ynca's will, and to the least practicable extent by their own wills. And, naturally, along with militant organization thus carried to its ideal limit, there went an almost entire absence of any other organization. They had no money; "they neither sold clothes, nor houses, nor estates;" and trade was represented among them by scarcely anything more than some bartering of articles of food.

So far as accounts of it show, ancient Egypt presented phenomena allied in their general, if not in their special, characters. Its predominant militancy during remote unrecorded times, is sufficiently implied by the vast population of slaves who toiled to build the pyramids; and its subsequent continued militancy we are shown alike by the boasting records of its kings, and the delineations of their triumphs on its temple-walls. Along with this form of activity we have, as before, the god-descended ruler, limited in his powers only by the usages transmitted from his divine ancestors, who was at once political head, high priest, and commander-in-chief. Under him was a centralized organization, of which the civil part was arranged in classes and sub-classes as definite as were those of the militant part. Of the four great social divisions—priests, soldiers, traders, and common people, beneath whom came the slaves—the first contained more than a score different orders; the second, some half-dozen beyond those constituted by military grades; the third, nearly a dozen; and the fourth, a still greater number. Though within the ruling classes the castes were not so rigorously defined as to prevent change of function in successive generations, yet Herodotus and Diodorus state that industrial occupations descended from father to son: "every particular trade and manufacture

was carried on by its own craftsmen, and none changed from one trade to another." How elaborate was the regimentation may be judged from the detailed account of the staff of officers and workers engaged in one of their vast quarries: the numbers and kinds of functionaries paralleling those of an army. To support this highly-developed regulative organization, civil, military, and sacerdotal (an organization which held exclusive possession of the land) the lower classes laboured. "Overseers were set over the wretched people, who were urged to hard work more by the punishment of the stick than words of warning." And whether or not official oversight included domiciliary visits, it at any rate went to the extent of taking note of each family. "Every man was required under pain of death to give an account to the magistrate of how he earned his livelihood."

Take, now, another ancient society, which, strongly contrasted in sundry respects, shows us, along with habitual militancy, the assumption of structural traits allied in their fundamental characters to those thus far observed. I refer to Sparta. That warfare did not among the Spartans evolve a single despotic head, while in part due to causes which, as before shown, favour the development of compound political heads, was largely due to the accident of their double kingship: the presence of two divinely-descended chiefs prevented the concentration of power. But though from this cause there continued an imperfectly centralized government, the relation of this government to members of the community was substantially like that of militant governments in general. Notwithstanding the serfdom, and in towns the slavery, of the Helots, and notwithstanding the political subordination of the Perioeki, they all, in common with the Spartans proper, were under obligation to military service: the working function of the first, and the trading function, so far as it existed, which was carried on by the second, were subordinate to the militant function, with which the third was exclusively occupied. And the civil divisions thus marked re-appeared in

the military divisions: "at the battle of Platæa every Spartan hoplite had seven Helots, and every Periœki hoplite one Helot to attend him." The extent to which, by the daily military discipline, prescribed military mess, and fixed contributions of food, the individual life of the Spartan was subordinated to public demands, from seven years upwards, needs mention only to show the rigidity of the restraints which here, as elsewhere, the militant type imposes—restraints which were further shown in the prescribed age for marriage, the prevention of domestic life, the forbidding of industry or any money-seeking occupation, the interdict on going abroad without leave, and the authorized censorship under which his days and nights were passed. There was fully carried out in Sparta the Greek theory of society, that "the citizen belongs neither to himself nor to his family, but to his city." So that though in this exceptional case, chronic militancy was prevented from developing a supreme head, owning the individual citizen in body and estate, yet it developed an essentially identical relation between the community as a whole and its units. The community, exercising its power through a compound head instead of through a simple head, completely enslaved the individual. While the lives and labours of the Helots were devoted exclusively to the support of those who formed the military organization, the lives and labours of those who formed the military organization were exclusively devoted to the service of the State: they were slaves with a difference.

Of modern illustrations, that furnished by Russia will suffice. Here, again, with the wars which effected conquests and consolidations, came the development of the victorious commander into the absolute ruler, who, if not divine by alleged origin, yet acquired something like divine *prestige*. "All men are equal before God, and the Russians' God is the Emperor," says De Custine: "the supreme governor is so raised above earth, that he sees no difference between the serf and the lord." Under the stress of Peter the Great's wars, which, as the nobles complained, took them away from

their homes, "not, as formerly, for a single campaign, but for long years," they became "servants of the State, without privileges, without dignity, subjected to corporal punishment, and burdened with onerous duties from which there was no escape." "Any noble who refused to serve ['the State in the Army, the Fleet, or the Civil Administration, from boyhood to old age,'] was not only deprived of his estate, as in the old times, but was declared to be a traitor, and might be condemned to capital punishment." "Under Peter," says Wallace, "all offices, civil and military," were "arranged in fourteen classes or ranks;" and he "defined the obligations of each with microscopic minuteness. After his death the work was carried on in the same spirit, and the tendency reached its climax in the reign of Nicholas." In the words of De Custine, "the tchinn [the name for this organization] is a nation formed into a regiment; it is the military system applied to all classes of society, even to those who never go to war." With this universal regimentation in structure went a regimental discipline. The conduct of life was dictated to the citizens at large in the same way as to soldiers. In the reign of Peter and his successors, domestic entertainments were appointed and regulated; the people were compelled to change their costumes; the clergy to cut off their beards; and even the harnessing of horses was according to pattern. Occupations were controlled to the extent that "no boyard could enter any profession, or forsake it when embraced, or retire from public to private life, or dispose of his property, or travel into any foreign country, without the permission of the Czar." This omnipresent rule is well expressed in the close of certain rhymes, for which a military officer was sent to Siberia:—

> "Tout se fait par ukase ici;
> C'est par ukase que l'on voyage,
> C'est par ukase que l'on rit."

Taking thus the existing barbarous society of Dahomey, formed of negroes, the extinct semi-civilized empire of the

Yncas, whose subjects were remote in blood from these, the ancient Egyptian empire peopled by yet other races, the community of the Spartans, again unlike in the type of its men, and the existing Russian nation made up of Slavs and Tatars, we have before us cases in which such similarities of social structure as exist, cannot be ascribed to inheritance of a common character by the social units. The immense contrasts between the populations of these several societies, too, varying from millions at the one extreme to thousands at the other, negative the supposition that their common structural traits are consequent on size. Nor can it be supposed that likenesses of conditions in respect of climate, surface, soil, flora, fauna, or likenesses of habits caused by such conditions, can have had anything to do with the likenesses of organization in these societies; for their respective habitats present numerous marked unlikenesses. Such traits as they one and all exhibit, not ascribable to any other cause, must thus be ascribed to the habitual militancy characteristic of them all. The results of induction alone would go far to warrant this ascription; and it is fully warranted by their correspondence with the results of deduction, as set forth above.

§ 559. Any remaining doubts must disappear on observing how continued militancy is followed by further development of the militant organization. Three illustrations will suffice.

When, during Roman conquests, the tendency for the successful general to become despot, repeatedly displayed, finally took effect—when the title *imperator*, military in its primary meaning, became the title for the civil ruler, showing us on a higher platform that genesis of political headship out of military headship visible from the beginning—when, as usually happens, an increasingly divine character was acquired by the civil ruler, as shown in the assumption of the sacred name Augustus, as well as in the growth of an actual worship of him; there simultaneously became more pronounced those

further traits which characterize the militant type in its developed form. Practically, if not nominally, the other powers of the State were absorbed by him. In the words of Duruy, he had—

"The right of proposing, that is, of making laws; of receiving and trying appeals, *i.e.* the supreme jurisdiction; of arresting by the tribunitian veto every measure and every sentence, *i.e.* of putting his will in opposition to the laws and magistrates; of summoning the senate or the people and presiding over it, *i.e.* of directing the electoral assemblies as he thought fit. And these prerogatives he will have not for a single year but for life; not in Rome only . . . but throughout the empire; not shared with ten colleagues, but exercised by himself alone; lastly, without any account to render, since he never resigns his office."

Along with these changes went an increase in the number and definiteness of social divisions. The Emperor—

"Placed between himself and the masses a multitude of people regularly classed by categories, and piled one above the other in such a way that this hierarchy, pressing with all its weight upon the masses underneath, held the people and factious individuals powerless. What remained of the old patrician nobility had the foremost rank in the city; . . . below it came the senatorial nobility, half hereditary; below that the moneyed nobility or equestrian order—three aristocracies superposed. . . . The sons of senators formed a class intermediate between the senatorial and the equestrian order. . . . In the 2nd century the senatorial families formed an hereditary nobility with privileges."

At the same time the administrative organization was greatly extended and complicated.

"Augustus created a large number of new offices, as the superintendence of public works, roads, aqueducts, the Tiber-bed, distribution of corn to the people. . . . He also created numerous offices of procurators for the financial administration of the empire, and in Rome there were 1,060 municipal officers."

The structural character proper to an army spread in a double way: military officers acquired civil functions and functionaries of a civil kind became partially military. The magistrates appointed by the Emperor, tending to replace those appointed by the people, had, along with their civil authority, military authority; and while "under Augustus the prefects of the pretorium were only military chiefs, . . . they gradually possessed themselves of the whole civil authority, and

finally became, after the Emperor, the first personages in the empire." Moreover, the governmental structures grew by incorporating bodies of functionaries who were before independent. "In his ardour to organize everything, he aimed at regimenting the law itself, and made an official magistracy of that which had always been a free profession." To enforce the rule of this extended administration, the army was made permanent, and subjected to severe discipline. With the continued growth of the regulating and coercing organization, the drafts on producers increased; and, as shown by extracts in a previous chapter concerning the Roman *régime* in Egypt and in Gaul, the working part of the community was reduced more and more to the form of a permanent commissariat. In Italy the condition eventually arrived at was one in which vast tracts were "intrusted to freedmen, whose only consideration was . . . how to extract from their labourers the greatest amount of work with the smallest quantity of food."

An example under our immediate observation may next be taken—that of the German Empire. Such traits of the militant type in Germany as were before manifest, have, since the late war, become still more manifest. The army, active and passive, including officers and attached functionaries, has been increased by about 100,000 men; and changes in 1875 and 1880, making certain reserves more available, have practically caused a further increase of like amount. Moreover, the smaller German States, having in great part surrendered the administration of their several contingents, the German army has become more consolidated; and even the armies of Saxony, Würtemberg, and Bavaria, being subject to Imperial supervision, have in so far ceased to be independent. Instead of each year granting military supplies, as had been the practice in Prussia before the formation of the North German Confederation, the Parliament of the Empire was, in 1871, induced to vote the required annual sum for three years thereafter; in 1874 it did the like for the succeeding seven years; and again in 1880 the greatly

increased amount for the augmented army was authorized for the seven years then following: steps obviously surrendering popular checks on Imperial power. Simultaneously, military officialism has been in two ways replacing civil officialism. Subaltern officers are rewarded for long services by appointments to civil posts—local communes being forced to give them the preference to civilians; and not a few members of the higher civil service, and of the universities, as well as teachers in the public schools, having served as "volunteers of one year," become commissioned officers of the Landwehr. During the struggles of the so-called Kulturkampf, the ecclesiastical organization became more subordinated by the political. Priests suspended by bishops were maintained in their offices; it was made penal for a clergyman publicly to take part against the government; a recalcitrant bishop had his salary stopped; the curriculum for ecclesiastics was prescribed by the State, and examination by State-officials required; church discipline was subjected to State-approval; and a power of expelling rebellious clergy from the country was established. Passing to the industrial activities we may note, first, that through sundry steps, from 1873 onwards, there has been a progressive transfer of railways into the hands of the State; so that, partly by original construction (mainly of lines for military purposes), and partly by purchase, three-fourths of all Prussian railways have been made government property; and the same percentage holds in the other German States: the aim being eventually to make them all Imperial. Trade interferences have been extended in various ways—by protectionist tariffs, by revival of the usury laws, by restrictions on Sunday labour. Through its postal service the State has assumed industrial functions—presents acceptances, receives money on bills of exchange that are due, as also on ordinary bills, which it gets receipted; and until stopped by shopkeepers' protests, undertook to procure books from publishers. Lastly there come the measures for extending, directly and indirectly, the control over popular

life. On the one hand there are the laws under which, up to the middle of last year, 224 socialist societies have been closed, 180 periodicals suppressed, 317 books, &c., forbidden; and under which sundry places have been reduced to a partial state of siege. On the other hand may be named Prince Bismarck's scheme for re-establishing guilds (bodies which by their regulations coerce their members), and his scheme of State-insurance, by the help of which the artizan would, in a considerable degree, have his hands tied. Though these measures have not been carried in the forms proposed, yet the proposal of them sufficiently shows the general tendency. In all which changes we see progress towards a more integrated structure, towards increase of the militant part as compared with the industrial part, towards the replacing of civil organization by military organization, towards the strengthening of restraints over the individual and regulation of his life in greater detail.*

The remaining example to be named is that furnished by our own society since the revival of military activity—a revival which has of late been so marked that our illustrated papers are, week after week, occupied with little else than scenes of warfare. Already in the first volume of *The Principles of Sociology*, I have pointed out many ways in which the system of compulsory cooperation characterizing the militant type, has been trenching on the system of voluntary cooperation characterizing the industrial type; and since those passages appeared (July, 1876), other changes in the same direction have taken place. Within the military organization itself, we may note the increasing assimilation of the volunteer forces to the regular army, now going to the extent of proposing to make them available abroad, so that instead of defensive action for which they were created, they

* This chapter was originally published in the *Contemporary Review* for Sept., 1881. Since that date a further movement of German society in the same general direction has been shown by the pronounced absolutism of the imperial rescript of Jan., 1882, endorsing Prince Bismarck's scheme of State-socialism.

can be used for offensive action; and we may also note that the tendency shown in the army during the past generation to sink the military character whenever possible, by putting on civilian dresses, is now checked by an order to officers in garrison towns to wear their uniforms when off duty, as they do in more militant countries. Whether, since the date named, usurpations of civil functions by military men (which had in 1873–4 gone to the extent that there were 97 colonels, majors, captains, and lieutenants employed from time to time as inspectors of science and art classes) have gone further, I cannot say; but there has been a manifest extension of the militant spirit and discipline among the police, who, wearing helmet-shaped hats, beginning to carry revolvers, and looking upon themselves as half soldiers, have come to speak of the people as "civilians." To an increasing extent the executive has been over-riding the other governmental agencies; as in the Cyprus business, and as in the doings of the Indian Viceroy under secret instructions from home. In various minor ways are shown endeavours to free officialism from popular checks; as in the desire expressed in the House of Lords that the hanging of convicts in prisons, entrusted entirely to the authorities, should have no other witnesses; and as in the advice given by the late Home Secretary (on the 11th May, 1878) to the Derby Town Council, that it should not interfere with the chief constable (a military man) in his government of the force under him—a step towards centralizing local police control in the Home Office. Simultaneously we see various actual or prospective extensions of public agency, replacing or restraining private agency. There is the "endowment of research," which, already partially carried out by a government fund, many wish to carry further; there is the proposed act for establishing a registration of authorized teachers; there is the bill which provides central inspection for local public libraries; there is the scheme for compulsory insurance—a scheme showing us in an instructive manner the way in which the

regulating policy extends itself: compulsory charity having generated improvidence, there comes compulsory insurance as a remedy for the improvidence. Other proclivities towards institutions belonging to the militant type, are seen in the increasing demand for some form of protection, and in the lamentations uttered by the "society papers" that duelling has gone out. Nay, even through the party which by position and function is antagonistic to militancy, we see that militant discipline is spreading; for the caucus-system, established for the better organization of liberalism, is one which necessarily, in a greater or less degree, centralizes authority and controls individual action.

Besides seeing, then, that the traits to be inferred *à priori* as characterizing the militant type, constantly exist in societies which are permanently militant in high degrees, we also see that in other societies increase of militant activity is followed by development of such traits.

§ 560. In some places I have stated, and in other places implied, that a necessary relation exists between the structure of a society and the natures of its citizens. Here it will be well to observe in detail the characters proper to, and habitually exemplified by, the members of a typically militant society.

Other things equal, a society will be successful in war in proportion as its members are endowed with bodily vigour and courage. And, on the average, among conflicting societies there will be a survival and spread of those in which the physical and mental powers called for in battle, are not only most marked but also most honoured. Egyptian and Assyrian sculptures and inscriptions, show us that prowess was the thing above all others thought most worthy of record. Of the words good, just, &c., as used by the ancient Greeks, Grote remarks that they "signify the man of birth, wealth, influence and daring, whose arm is strong to destroy or to protect, whatever may be the turn of his moral sentiments;

while the opposite epithet, bad, designates the poor, lowly, and weak, from whose dispositions, be they ever so virtuous society has little to hope or to fear." In the identification of virtue with bravery among the Romans, we have a like implication. During early turbulent times throughout Europe, the knightly character, which was the honourable character, primarily included fearlessness: lacking this, good qualities were of no account; but with this, sins of many kinds, great though they might be, were condoned.

If, among antagonist groups of primitive men, some tolerated more than others the killing of their members—if, while some always retaliated others did not; those which did not retaliate, continually aggressed on with impunity, would either gradually disappear or have to take refuge in undesirable habitats. Hence there is a survival of the unforgiving. Further, the *lex talionis*, primarily arising between antagonist groups, becomes the law within the group; and chronic feuds between component families and clans, everywhere proceed upon the general principle of life for life. Under the militant *régime* revenge becomes a virtue, and failure to revenge a disgrace. Among the Fijians, who foster anger in their children, it is not infrequent for a man to commit suicide rather than live under an insult; and in other cases the dying Fijian bequeathes the duty of inflicting vengeance to his children. This sentiment and the resulting practices we trace among peoples otherwise wholly alien, who are, or have been, actively militant. In the remote East may be instanced the Japanese. They are taught that "with the slayer of his father a man may not live under the same heaven; against the slayer of his brother a man must never have to go home to fetch a weapon; with the slayer of his friend a man may not live in the same State." And in the West may be instanced France during feudal days, when the relations of one killed or injured were required by custom to retaliate on any relations of the offender—even those living at a distance and knowing nothing of the matter. Down to

the time of the Abbé Brantôme, the spirit was such that that ecclesiastic, enjoining on his nephews by his will to avenge any unredressed wrongs done to him in his old age, says of himself—"I may boast, and I thank God for it, that I never received an injury without being revenged on the author of it." That where militancy is active, revenge, private as well as public, becomes a duty, is well shown at the present time among the Montenegrins—a people who have been at war with the Turks for centuries. "Dans le Montenegro," says Boué, "on dira d'un homme d'une natrie [clan] ayant tué un individu d'une autre: Cette natrie nous doit une tête, et il faut que cette dette soit acquittée, car qui ne se venge pas ne se sancitie pas."

Where activity in destroying enemies is chronic, destruction will become a source of pleasure; where success in subduing fellow-men is above all things honoured, there will arise delight in the forcible exercise of mastery; and with pride in spoiling the vanquished, will go disregard for the rights of property at large. As it is incredible that men should be courageous in face of foes and cowardly in face of friends, so it is incredible that the other feelings fostered by perpetual conflicts abroad should not come into play at home. We have just seen that with the pursuit of vengeance outside the society, there goes the pursuit of vengeance inside the society; and whatever other habits of thought and action constant war necessitates, must show their effects on the social life at large. Facts from various places and times prove that in militant communities the claims to life, liberty, and property, are little regarded. The Dahomans, warlike to the extent that both sexes are warriors, and by whom slave-hunting invasions are, or were, annually undertaken "to furnish funds for the royal exchequer," show their bloodthirstiness by their annual "customs," at which multitudinous victims are publicly slaughtered for the popular gratification. The Fijians, again, highly militant in their activities and type of organization, who display their reckless-

ness of life not only by killing their own people for cannibal feasts, but by destroying immense numbers of their infants and by sacrificing victims on such trivial occasions as launching a new canoe, so much applaud ferocity that to commit a murder is a glory. Early records of Asiatics and Europeans show us the like relation. What accounts there are of the primitive Mongols, who, when united, massacred western peoples wholesale, show us a chronic reign of violence, both within and without their tribes; while domestic assassinations, which from the beginning have characterized the militant Turks, continue to characterize them down to our own day. In proof that it was so with the Greek and Latin races it suffices to instance the slaughter of the two thousand helots by the Spartans, whose brutality was habitual, and the murder of large numbers of suspected citizens by jealous Roman emperors, who also, like their subjects, manifested their love of bloodshed in their arenas. That where life is little regarded there can be but little regard for liberty, follows necessarily. Those who do not hesitate to end another's activities by killing him, will still less hesitate to restrain his activities by holding him in bondage. Militant savages, whose captives, when not eaten, are enslaved, habitually show us this absence of regard for fellow-men's freedom, which characterizes the members of militant societies in general. How little, under the *régime* of war, more or less markedly displayed in all early historic societies, there was any sentiment against depriving men of their liberties, is sufficiently shown by the fact that even in the teachings of primitive Christianity there was no express condemnation of slavery. Naturally the like holds with the right of property. Where mastery established by force is honourable, claims to possession by the weaker are likely to be little respected by the stronger. In Fiji it is considered chief-like to seize a subject's goods; and theft is virtuous if undiscovered. Among the Spartans "the ingenious and successful pilferer gained applause with his booty." In mediæval

Europe, with perpetual robberies of one society by another there went perpetual robberies within each society. Under the Merovingians "the murders and crimes it [*The Ecclesiastical History of the Franks*] relates, have almost all for their object the possession of the treasure of the murdered persons." And under Charlemagne plunder by officials was chronic: the moment his back was turned, "the provosts of the king appropriated the funds intended to furnish food and clothing for the artisans."

Where warfare is habitual, and the required qualities most needful and therefore most honoured, those whose lives do not display them are treated with contempt, and their occupations regarded as dishonourable. In early stages labour is the business of women and of slaves—conquered men and the descendants of conquered men; and trade of every kind, carried on by subject classes, long continues to be identified with lowness of origin and nature. In Dahomey, "agriculture is despised because slaves are employed in it." "The Japanese nobles and placemen, even of secondary rank, entertain a sovereign contempt for traffic." Of the ancient Egyptians Wilkinson says, "their prejudices against mechanical employments, as far as regarded the soldier, were equally strong as in the rigid Sparta." "For trade and commerce the [ancient] Persians were wont to express extreme contempt," writes Rawlinson. That progress of class-differentiation which accompanied the conquering wars of the Romans, was furthered by establishment of the rule that it was disgraceful to take money for work, as also by the law forbidding senators and senators' sons from engaging in speculation. And how great has been the scorn expressed by the militant classes for the trading classes throughout Europe, down to quite recent times, needs no showing.

That there may be willingness to risk life for the benefit of the society, there must be much of the feeling called patriotism. Though the belief that it is glorious to die for one's country cannot be regarded as essential, since mercenaries

fight without it; yet it is obvious that such a belief conduces greatly to success in war; and that entire absence of it is so unfavourable to offensive and defensive action that failure and subjugation will, other things equal, be likely to result. Hence the sentiment of patriotism is habitually established by the survival of societies the members of which are most characterized by it.

With this has to be united the sentiment of obedience. The possibility of that united action by which, other things equal, war is made successful, depends on the readiness of individuals to subordinate their wills to the will of a commander or ruler. Loyalty is essential. In early stages the manifestation of it is but temporary; as among the Araucanians who, ordinarily showing themselves "repugnant to all subordination, are then [when war is impending] prompt to obey, and submissive to the will of their military sovereign" appointed for the occasion. And with development of the militant type this sentiment becomes permanent. Erskine tells us that the Fijians are intensely loyal: men buried alive in the foundations of a king's house, considered themselves honoured by being so sacrificed; and the people of a slave district "said it was their duty to become food and sacrifice for the chiefs." So in Dahomey, there is felt for the king "a mixture of love and fear, little short of adoration." In ancient Egypt again, where "blind obedience was the oil which caused the harmonious working of the machinery" of social life, the monuments on every side show with wearisome iteration the daily acts of subordination—of slaves and others to the dead man, of captives to the king, of the king to the gods. Though for reasons already pointed out, chronic war did not generate in Sparta a supreme political head, to whom there could be shown implicit obedience, yet the obedience shown to the political agency which grew up was profound: individual wills were in all things subordinate to the public will expressed by the established authorities. Primitive Rome, too, though without a divinely-descended king to whom submis-

sion could be shown, displayed great submission to an appointed king, qualified only by expressions of opinion on special occasions; and the principle of absolute obedience, slightly mitigated in the relations of the community as a whole to its ruling agency, was unmitigated within its component groups. That throughout European history, alike on small and on large scales, we see the sentiment of loyalty dominant where the militant type of structure is pronounced, is a truth that will be admitted without detailed proof.

From these conspicuous traits of nature, let us turn to certain consequent traits which are less conspicuous, and which have results of less manifest kinds. Along with loyalty naturally goes faith—the two being, indeed, scarcely separable. Readiness to obey the commander in war, implies belief in his military abilities; and readiness to obey him during peace, implies belief that his abilities extend to civil affairs also. Imposing on men's imaginations, each new conquest augments his authority. There come more frequent and more decided evidences of his regulative action over men's lives; and these generate the idea that his power is boundless. Unlimited confidence in governmental agency is fostered. Generations brought up under a system which controls all affairs, private and public, tacitly assume that affairs can only thus be controlled. Those who have experience of no other *régime* are unable to imagine any other *régime*. In such societies as that of ancient Peru, for example, where, as we have seen, regimental rule was universal, there were no materials for framing the thought of an industrial life spontaneously carried on and spontaneously regulated.

By implication there results repression of individual initiative, and consequent lack of private enterprise. In proportion as an army becomes organized, it is reduced to a state in which the independent action of its members is forbidden. And in proportion as regimentation pervades the society at large, each member of it, directed or restrained at every turn, has little or no power of conducting his business otherwise

than by established routine. Slaves can do only what they are told by their masters; their masters cannot do anything that is unusual without official permission; and no permission is to be obtained from the local authority until superior authorities through their ascending grades have been consulted. Hence the mental state generated is that of passive acceptance and expectancy. Where the militant type is fully developed, everything must be done by public agencies; not only for the reason that these occupy all spheres, but for the further reason that did they not occupy them, there would arise no other agencies: the prompting ideas and sentiments having been obliterated.

There must be added a concomitant influence on the intellectual nature, which cooperates with the moral influences just named. Personal causation is alone recognized, and the conception of impersonal causation is prevented from developing. The primitive man has no idea of cause in the modern sense. The only agents included in his theory of things are living persons and the ghosts of dead persons. All unusual occurrences, together with those usual ones liable to variation, he ascribes to supernatural beings. And this system of interpretation survives through early stages of civilization; as we see, for example, among the Homeric Greeks, by whom wounds, deaths, and escapes in battle, were ascribed to the enmity or the aid of the gods, and by whom good and bad acts were held to be divinely prompted. Continuance and development of militant forms and activities maintain this way of thinking. In the first place, it indirectly hinders the discovery of causal relations. The sciences grow out of the arts —begin as generalizations of truths which practice of the arts makes manifest. In proportion as processes of production multiply in their kinds and increase in their complexities, more numerous uniformities come to be recognized; and the ideas of necessary relation and physical cause arise and develop. Consequently, by discouraging industrial progress militancy checks the replacing of ideas of personal agency by

ideas of impersonal agency. In the second place, it does the like by direct repression of intellectual culture. Naturally a life occupied in acquiring knowledge, like a life occupied in industry, is regarded with contempt by a people devoted to arms. The Spartans clearly exemplified this relation in ancient times; and it was again exemplified during feudal ages in Europe, when learning was scorned as proper only for clerks and the children of mean people. And obviously, in proportion as warlike activities are antagonistic to study and the spread of knowledge, they further retard that emancipation from primitive ideas which ends in recognition of natural uniformities. In the third place, and chiefly, the effect in question is produced by the conspicuous and perpetual experience of personal agency which the militant *régime* yields. In the army, from the commander-in-chief down to the private undergoing drill, every movement is directed by a superior; and throughout the society, in proportion as its regimentation is elaborate, things are hourly seen to go thus or thus according to the regulating wills of the ruler and his subordinates. In the interpretation of social affairs, personal causation is consequently alone recognized. History comes to be made up of the doings of remarkable men; and it is tacitly assumed that societies have been formed by them. Wholly foreign to the habit of mind as is the thought of impersonal causation, the course of social evolution is unperceived. The natural genesis of social structures and functions is an utterly alien conception, and appears absurd when alleged. The notion of a self-regulating social process is unintelligible. So that militancy moulds the citizen into a form not only morally adapted but intellectually adapted—a form which cannot think away from the entailed system.

§ 561. In three ways, then, we are shown the character of the militant type of social organization. Observe the congruities which comparison of results discloses.

Certain conditions, manifest *à priori*, have to be fulfilled

by a society fitted for preserving itself in presence of antagonist societies. To be in the highest degree efficient, the corporate action needed for preserving the corporate life must be joined in by every one. Other things equal, the fighting power will be greatest where those who cannot fight, labour exclusively to support and help those who can: an evident implication being that the working part shall be no larger than is required for these ends. The efforts of all being utilized directly or indirectly for war, will be most effectual when they are most combined; and, besides union among the combatants, there must be such union of the non-combatants with them as renders the aid of these fully and promptly available. To satisfy these requirements, the life, the actions, and the possessions, of each individual must be held at the service of the society. This universal service, this combination, and this merging of individual claims, pre-suppose a despotic controlling agency. That the will of the soldier-chief may be operative when the aggregate is large, there must be sub-centres and sub-sub-centres in descending grades, through whom orders may be conveyed and enforced, both throughout the combatant part and the non-combatant part. As the commander tells the soldier both what he shall not do and what he shall do; so, throughout the militant community at large, the rule is both negatively regulative and positively regulative: it not only restrains, but it directs: the citizen as well as the soldier lives under a system of compulsory cooperation. Development of the militant type involves increasing rigidity, since the cohesion, the combination, the subordination, and the regulation, to which the units of a society are subjected by it, inevitably decrease their ability to change their social positions, their occupations, their localities.

On inspecting sundry societies, past and present, large and small, which are, or have been, characterized in high degrees by militancy, we are shown, *à posteriori*, that amid the differences due to race, to circumstances, and to degrees of

development, there are fundamental similarities of the kinds above inferred *à priori*. Modern Dahomey and Russia, as well as ancient Peru, Egypt, and Sparta, exemplify that owning of the individual by the State in life, liberty, and goods, which is proper to a social system adapted for war. And that with changes further fitting a society for warlike activities, there spread throughout it an officialism, a dictation, and a superintendence, akin to those under which soldiers live, we are shown by imperial Rome, by imperial Germany, and by England since its late aggressive activities.

Lastly comes the evidence furnished by the adapted characters of the men who compose militant societies. Making success in war the highest glory, they are led to identify goodness with bravery and strength. Revenge becomes a sacred duty with them; and acting at home on the law of retaliation which they act on abroad, they similarly, at home as abroad, are ready to sacrifice others to self: their sympathies, continually deadened during war, cannot be active during peace. They must have a patriotism which regards the triumph of their society as the supreme end of action; they must possess the loyalty whence flows obedience to authority; and that they may be obedient they must have abundant faith. With faith in authority and consequent readiness to be directed, naturally goes relatively little power of initiation. The habit of seeing everything officially controlled fosters the belief that official control is everywhere needful; while a course of life which makes personal causation familiar and negatives experience of impersonal causation, produces an inability to conceive of any social processes as carried on under self-regulating arrangements. And these traits of individual nature, needful concomitants as we see of the militant type, are those which we observe in the members of actual militant societies.

CHAPTER XVIII.

THE INDUSTRIAL TYPE OF SOCIETY.

§ 562. Having nearly always to defend themselves against external enemies, while they have to carry on internally the processes of sustentation, societies, as remarked in the last chapter, habitually present us with mixtures of the structures adapted to these diverse ends. Disentanglement is not easy. According as either structure predominates it ramifies through the other: instance the fact that where the militant type is much developed, the worker, ordinarily a slave, is no more free than the soldier; while, where the industrial type is much developed, the soldier, volunteering on specified terms, acquires in so far the position of a free worker. In the one case the system of status, proper to the fighting part, pervades the working part; while in the other the system of contract, proper to the working part, affects the fighting part. Especially does the organization adapted for war obscure that adapted for industry. While, as we have seen, the militant type as theoretically constructed, is so far displayed in many societies as to leave no doubt about its essential nature, the industrial type has its traits so hidden by those of the still-dominant militant type, that its nature is nowhere more than very partially exemplified. Saying thus much to exclude expectations which cannot be fulfilled, it will be well also to exclude certain probable misconceptions.

In the first place, industrialism must not be confounded with industriousness. Though the members of an industrially-organized society are habitually industrious, and are,

indeed, when the society is a developed one, obliged to be so; yet it must not be assumed that the industrially-organized society is one in which, of necessity, much work is done. Where the society is small, and its habitat so favourable that life may be comfortably maintained with but little exertion, the social relations which characterize the industrial type may co-exist with but very moderate productive activities. It is not the diligence of its members which constitutes the society an industrial one in the sense here intended, but the form of cooperation under which their labours, small or great in amount, are carried on. This distinction will be best understood on observing that, conversely, there may be, and often is, great industry in societies framed on the militant type. In ancient Egypt there was an immense labouring population and a large supply of commodities, numerous in their kinds, produced by it. Still more did ancient Peru exhibit a vast community purely militant in its structure, the members of which worked unceasingly. We are here concerned, then, not with the quantity of labour but with the mode of organization of the labourers. A regiment of soldiers can be set to construct earth-works; another to cut down wood; another to bring in water; but they are not thereby reduced for the time being to an industrial society. The united individuals do these several things under command; and having no private claims to the products, are, though industrially occupied, not industrially organized. And the same holds throughout the militant society as a whole, in proportion as the regimentation of it approaches completeness.

The industrial type of society, properly so called, must also be distinguished from a type very likely to be confounded with it—the type, namely, in which the component individuals, while exclusively occupied in production and distribution, are under a regulation such as that advocated by socialists and communists. For this, too, involves in another form the principle of compulsory cooperation. Directly or indirectly, individuals are to be prevented from

severally and independently occupying themselves as they please; are to be prevented from competing with one another in supplying goods for money; are to be prevented from hiring themselves out on such terms as they think fit. There can be no artificial system for regulating labour which does not interfere with the natural system. To such extent as men are debarred from making whatever engagements they like, they are to that extent working under dictation. No matter in what way the controlling agency is constituted, it stands towards those controlled in the same relation as does the controlling agency of a militant society. And how truly the *régime* which those who declaim against competition would establish, is thus characterized, we see both in the fact that communistic forms of organization existed in early societies which were predominantly warlike, and in the fact that at the present time communistic projects chiefly originate among, and are most favoured by, the more warlike societies.

A further preliminary explanation may be needful. The structures proper to the industrial type of society must not be looked for in distinct forms when they first appear. Contrariwise, we must expect them to begin in vague unsettled forms. Arising, as they do, by modification of pre-existing structures, they are necessarily long in losing all trace of these. For example, transition from the state in which the labourer, owned like a beast, is maintained that he may work exclusively for his master's benefit, to the condition in which he is completely detached from master, soil, and locality, and free to work anywhere and for anyone, is through gradations. Again, the change from the arrangement proper to militancy, under which subject-persons receive, in addition to maintenance, occasional presents, to the arrangement under which, in place of both, they received fixed wages, or salaries, or fees, goes on slowly and unobtrusively. Once more it is observable that the process of exchange, originally indefinite, has become definite only where industrialism is considerably developed. Barter began, not with a distinct intention of

giving one thing for another thing equivalent in value, but it began by making a present and receiving a present in return; and even now in the East there continue traces of this primitive transaction. In Cairo the purchase of articles from a shopkeeper is preceded by his offer of coffee and cigarettes; and during the negotiation which ends in the engagement of a *dahabeah*, the dragoman brings gifts and expects to receive them. Add to which that there exists under such conditions none of that definite equivalence which characterizes exchange among ourselves: prices are not fixed, but vary widely with every fresh transaction. So that throughout our interpretations we must keep in view the truth, that the structures and functions proper to the industrial type distinguish themselves but gradually from those proper to the militant type.

Having thus prepared the way, let us now consider what are, *à priori*, the traits of that social organization which, entirely unfitted for carrying on defence against external enemies, is exclusively fitted for maintaining the life of the society by subserving the lives of its units. As before in treating of the militant type, so here in treating of the industrial type, we will consider first its ideal form.

§ 563. While corporate action is the primary requirement in a society which has to preserve itself in presence of hostile societies, conversely, in the absence of hostile societies, corporate action is no longer the primary requirement.

The continued existence of a society implies, first, that it shall not be destroyed bodily by foreign foes, and implies, second, that it shall not be destroyed in detail by failure of its members to support and propagate themselves. If danger of destruction from the first cause ceases, there remains only danger of destruction from the second cause. Sustentation of the society will now be achieved by the self-sustentation and multiplication of its units. If his own welfare and the welfare of his offspring is fully achieved by each, the welfare

of the society is by implication achieved. Comparatively little corporate activity is now required. Each man may maintain himself by labour, may exchange his products for the products of others, may give aid and receive payment, may enter into this or that combination for carrying on an undertaking, small or great, without the direction of the society as a whole. The remaining end to be achieved by public action is to keep private actions within due bounds; and the amount of public action needed for this becomes small in proportion as private actions become duly self-bounded.

So that whereas in the militant type the demand for corporate action is intrinsic, such demand for corporate action as continues in the industrial type is mainly extrinsic—is called for by those aggressive traits of human nature which chronic warfare has fostered, and may gradually diminish as, under enduring peaceful life, these decrease.

§ 564. In a society organized for militant action, the individuality of each member has to be so subordinated in life, liberty, and property, that he is largely, or completely, *owned* by the State; but in a society industrially organized, no such subordination of the individual is called for. There remain no occasions on which he is required to risk his life while destroying the lives of others; he is not forced to leave his occupation and submit to a commanding officer; and it ceases to be needful that he should surrender for public purposes whatever property is demanded of him.

Under the industrial *régime* the citizen's individuality, instead of being sacrificed by the society, has to be defended by the society. Defence of his individuality becomes the society's essential duty. That after external protection is no longer called for, internal protection must become the cardinal function of the State, and that effectual discharge of this function must be a predominant trait of the industrial type, may be readily shown.

For it is clear that, other things equal, a society in which life, liberty, and property, are secure, and all interests justly regarded, must prosper more than one in which they are not; and, consequently, among competing industrial societies, there must be a gradual replacing of those in which personal rights are imperfectly maintained, by those in which they are perfectly maintained. So that by survival of the fittest must be produced a social type in which individual claims, considered as sacred, are trenched on by the State no further than is requisite to pay the cost of maintaining them, or rather, of arbitrating among them. For the aggressiveness of nature fostered by militancy having died out, the corporate function becomes that of deciding between those conflicting claims, the equitable adjustment of which is not obvious to the persons concerned.

§ 565. With the absence of need for that corporate action by which the efforts of the whole society may be utilized for war, there goes the absence of need for a despotic controlling agency.

Not only is such an agency unnecessary, but it cannot exist. For since, as we see, it is an essential requirement of the industrial type, that the individuality of each man shall have the fullest play compatible with the like play of other men's individualities, despotic control, showing itself as it must by otherwise restricting men's individualities, is necessarily excluded. Indeed, by his mere presence an autocratic ruler is an aggressor on citizens. Actually or potentially exercising power not given by them, he in so far restrains their wills more than they would be restrained by mutual limitation merely.

§ 566. Such control as is required under the industrial type, can be exercised only by an appointed agency for ascertaining and executing the average will; and a representative agency is the one best fitted for doing this.

Unless the activities of all are homogeneous in kind, which they cannot be in a developed society with its elaborate division of labour, there arises a need for conciliation of divergent interests; and to the end of insuring an equitable adjustment, each interest must be enabled duly to express itself. It is, indeed, supposable that the appointed agency should be a single individual. But no such single individual could arbitrate justly among numerous classes variously occupied, without hearing evidence: each would have to send representatives setting forth its claims. Hence the choice would lie between two systems, under one of which the representatives privately and separately stated their cases to an arbitrator on whose single judgment decisions depended; and under the other of which these representatives stated their cases in one another's presence, while judgments were openly determined by the general *consensus*. Without insisting on the fact that a fair balancing of class-interests is more likely to be effected by this last form of representation than by the first, it is sufficient to remark that it is more congruous with the nature of the industrial type; since men's individualities are in the smallest degree trenched upon. Citizens who, appointing a single ruler for a prescribed time, may have a majority of their wills traversed by his during this time, surrender their individualities in a greater degree than do those who, from their local groups, depute a number of rulers; since these, speaking and acting under public inspection and mutually restrained, habitually conform their decisions to the wills of the majority.

§ 567. The corporate life of the society being no longer in danger, and the remaining business of government being that of maintaining the conditions requisite for the highest individual life, there comes the question—What are these conditions?

Already they have been implied as comprehended under the administration of justice; but so vaguely is the meaning

of this phrase commonly conceived, that a more specific statement must be made. Justice then, as here to be understood, means preservation of the normal connexions between acts and results—the obtainment by each of as much benefit as his efforts are equivalent to—no more and no less. Living and working within the restraints imposed by one another's presence, justice requires that individuals shall severally take the consequences of their conduct, neither increased nor decreased. The superior shall have the good of his superiority; and the inferior the evil of his inferiority. A veto is therefore put on all public action which abstracts from some men part of the advantages they have earned, and awards to other men advantages they have not earned.

That from the developed industrial type of society there are excluded all forms of communistic distribution, the inevitable trait of which is that they tend to equalize the lives of good and bad, idle and diligent, is readily proved. For when, the struggle for existence between societies by war having ceased, there remains only the industrial struggle for existence, the final survival and spread must be on the part of those societies which produce the largest number of the best individuals—individuals best adapted for life in the industrial state. Suppose two societies, otherwise equal, in one of which the superior are allowed to retain, for their own benefit and the benefit of their offspring, the entire proceeds of their labour; but in the other of which the superior have taken from them part of these proceeds for the benefit of the inferior and their offspring. Evidently the superior will thrive and multiply more in the first than in the second. A greater number of the best children will be reared in the first; and eventually it will outgrow the second. It must not be inferred that private and voluntary aid to the inferior is negatived, but only public and enforced aid. Whatever effects the sympathies of the better for the worse spontaneously produce, cannot, of course, be interfered with; and will, on the whole, be beneficial. For while, on the average, the better will not carry

such efforts so far as to impede their own multiplication, they will carry them far enough to mitigate the ill-fortunes of the worse without helping them to multiply.

§ 568. Otherwise regarded, this system under which the efforts of each bring neither more nor less than their natural returns, is the system of contract.

We have seen that the *régime* of status is in all ways proper to the militant type. It is the concomitant of that graduated subordination by which the combined action of a fighting body is achieved, and which must pervade the fighting society at large to insure its corporate action. Under this *régime*, the relation between labour and produce is traversed by authority. As in the army, the food, clothing, &c., received by each soldier are not direct returns for work done, but are arbitrarily apportioned, while duties are arbitrarily enforced; so throughout the rest of the militant society, the superior dictates the labour and assigns such share of the returns as he pleases. But as, with declining militancy and growing industrialism, the power and range of authority decrease while uncontrolled action increases, the relation of contract becomes general; and in the fully-developed industrial type it becomes universal.

Under this universal relation of contract when equitably administered, there arises that adjustment of benefit to effort which the arrangements of the industrial society have to achieve. If each as producer, distributor, manager, adviser, teacher, or aider of other kind, obtains from his fellows such payment for his service as its value, determined by the demand, warrants; then there results that correct apportioning of reward to merit which ensures the prosperity of the superior.

§ 569. Again changing the point of view, we see that whereas public control in the militant type is both positively regulative and negatively regulative, in the industrial type it

is negatively regulative only. To the slave, to the soldier, or to other member of a community organized for war, authority says—"Thou shalt do this; thou shalt not do that." But to the member of the industrial community, authority gives only one of these orders—"Thou salt not do that."

For people who, carrying on their private transactions by voluntary cooperation, also voluntarily cooperate to form and support a governmental agency, are, by implication, people who authorize it to impose on their respective activities, only those restraints which they are all interested in maintaining—the restraints which check aggressions. Omitting criminals (who under the assumed conditions must be very few, if not a vanishing quantity), each citizen will wish to preserve uninvaded his sphere of action, while not invading others' spheres, and to retain whatever benefits are achieved within it. The very motive which prompts all to unite in upholding a public protector of their individualities, will also prompt them to unite in preventing any interference with their individualities beyond that required for this end.

Hence it follows that while, in the militant type, regimentation in the army is paralleled by centralized administration throughout the society at large; in the industrial type, administration, becoming decentralized, is at the same time narrowed in its range. Nearly all public organizations save that for administering justice, necessarily disappear; since they have the common character that they either aggress on the citizen by dictating his actions, or by taking from him more property than is needful for protecting him, or by both. Those who are forced to send their children to this or that school, those who have, directly or indirectly, to help in supporting a State priesthood, those from whom rates are demanded that parish officers may administer public charity, those who are taxed to provide gratis reading for people who will not save money for library subscriptions, those whose businesses are carried on under regulation by inspectors, those who have to pay the costs of State science-and-art-teaching,

State emigration, &c., all have their individualities trenched upon, either by compelling them to do what they would not spontaneously do, or by taking away money which else would have furthered their private ends. Coercive arrangements of such kinds, consistent with the militant type, are inconsistent with the industrial type.

§ 570. With the relatively narrow range of public organizations, there goes, in the industrial type, a relatively wide range of private organizations. The spheres left vacant by the one are filled by the other.

Several influences conspire to produce this trait. Those motives which, in the absence of that subordination necessitated by war, make citizens unite in asserting their individualities subject only to mutual limitations, are motives which make them unite in resisting any interference with their freedom to form such private combinations as do not involve aggression. Moreover, beginning with exchanges of goods and services under agreements between individuals, the principle of voluntary cooperation is simply carried out in a larger way by individuals who, incorporating themselves, contract with one another for jointly pursuing this or that business or function. And yet again, there is entire congruity between the representative constitutions of such private combinations, and that representative constitution of the public combination which we see is proper to the industrial type. The same law of organization pervades the society in general and in detail. So that an inevitable trait of the industrial type is the multiplicity and heterogeneity of associations, political, religious, commercial, professional, philanthropic, and social, of all sizes.

§ 571. Two indirectly resulting traits of the industrial type must be added. The first is its relative plasticity.

So long as corporate action is necessitated for national self-preservation—so long as, to effect combined defence or of-

fence, there is maintained that graduated subordination which ties all inferiors to superiors, as the soldier is tied to his officer—so long as there is maintained the relation of status, which tends to fix men in the positions they are severally born to; there is insured a comparative rigidity of social organization. But with the cessation of those needs that initiate and preserve the militant type of structure, and with the establishment of contract as the universal relation under which efforts are combined for mutual advantage, social organization loses its rigidity. No longer determined by the principle of inheritance, places and occupations are now determined by the principle of efficiency; and changes of structure follow when men, not bound to prescribed functions, acquire the functions for which they have proved themselves most fit. Easily modified in its arrangements, the industrial type of society is therefore one which adapts itself with facility to new requirements.

§ 572. The other incidental result to be named is a tendency towards loss of economic autonomy.

While hostile relations with adjacent societies continue, each society has to be productively self-sufficing; but with the establishment of peaceful relations, this need for self-sufficingness ceases. As the local divisions composing one of our great nations, had, while they were at feud, to produce each for itself almost everything it required, but now permanently at peace with one another, have become so far mutually dependent that no one of them can satisfy its wants without aid from the rest; so the great nations themselves, at present forced in large measure to maintain their economic autonomies, will become less forced to do this as war decreases, and will gradually become necessary to one another. While, on the one hand, the facilities possessed by each for certain kinds of production, will render exchange mutually advantageous; on the other hand, the citizen of each will, under the industrial *régime*, tolerate no such restraints on

their individualities as are implied by interdicts on exchange or impediments to exchange.

With the spread of industrialism, therefore, the tendency is towards the breaking down of the divisions between nationalities, and the running through them of a common organization: if not under a single government, then under a federation of governments.

§ 573. Such being the constitution of the industrial type of society to be inferred from its requirements, we have now to inquire what evidence is furnished by actual societies that approach towards this constitution accompanies the progress of industrialism.

As, during the peopling of the Earth, the struggle for existence among societies, from small hordes up to great nations, has been nearly everywhere going on; it is, as before said, not to be expected that we should readily find examples of the social type appropriate to an exclusively industrial life. Ancient records join the journals of the day in proving that thus far no civilized or semi-civilized nation has fallen into circumstances making needless all social structures for resisting aggression; and from every region travellers' accounts bring evidence that almost universally among the uncivilized, hostilities between tribes are chronic. Still, a few examples exist which show, with tolerable clearness, the outline of the industrial type in its rudimentary form—the form which it assumes where culture has made but little progress. We will consider these first; and then proceed to disentangle the traits distinctive of the industrial type as exhibited by large nations which have become predominantly industrial in their activities.

Among the Indian hills there are many tribes belonging to different races, but alike in their partially-nomadic habits. Mostly agricultural, their common practice is to cultivate a patch of ground while it yields average crops, and when it is exhausted to go elsewhere and repeat the process. They have

fled before invading peoples, and have here and there found localities in which they are able to carry on their peaceful occupations unmolested: the absence of molestation being, in some cases, due to their ability to live in a malarious atmosphere which is fatal to the Aryan races. Already, under other heads, I have referred to the Bodo and to the Dhimáls as wholly unmilitary, as lacking political organization, as being without slaves or social grades, and as aiding one another in their heavier undertakings; to the Todas, who, leading tranquil lives, are "without any of those bonds of union which man in general is induced to form from a sense of danger," and who settle their disputes by arbitration or by a council of five; to the Mishmies as being unwarlike, as having but nominal chiefs, and as administering justice by an assembly; and I have joined with these the case of a people remote in locality and race—the ancient Pueblos of North America—who, sheltering in their walled villages and fighting only when invaded, similarly united with their habitually industrial life a free form of government: "the governor and his council are [were] annually elected by the people." Here I may add sundry kindred examples. As described in the Indian Government Report for 1869—70, "the 'white Karens' are of a mild and peaceful disposition, . . . their chiefs are regarded as patriarchs, who have little more than a nominal authority;" or, as said of them by Lieut. McMahon, "they possess neither laws nor dominant authority." Instance, again, the "fascinating" Lepchas; not industrious, but yet industrial in the sense that their social relations are of the non-militant type. Though I find nothing specific said about the system under which they live in their temporary villages; yet the facts told us sufficiently imply its uncoercive character. They have no castes; "family and political feuds are alike unheard of amongst them;" "they are averse to soldiering;" they prefer taking refuge in the jungle and living on wild food "to enduring any injustice or harsh treatment"—traits which negative ordinary political

control. Take next the "quiet, unoffensive" Santals, who, while they fight if need be with infatuated bravery to resist aggression, are essentially unaggressive. These people "are industrious cultivators, and enjoy their existence unfettered by caste." Though, having become tributaries, there habitually exists in each village a head appointed by the Indian Government to be responsible for the tribute, &c.; yet the nature of their indigenous government remains sufficiently clear. While there is a patriarch who is honoured, but who rarely interferes, "every village has its council place, . . . where the committee assemble and discuss the affairs of the village and its inhabitants. All petty disputes, both of a civil and criminal nature, are settled there." What little is told us of tribes living in the Shervaroy Hills is, so far as it goes, to like effect. Speaking generally of them, Shortt says they "are essentially a timid and harmless people, addicted chiefly to pastoral and agricultural pursuits;" and more specifically describing one division of them, he says "they lead peaceable lives among themselves, and any dispute that may arise is usually settled by arbitration." Then, to show that these social traits are not peculiar to any one variety of man, but are dependent on conditions, I may recall the before-named instance of the Papuan Arafuras, who, without any divisions of rank or hereditary chieftainships, live in harmony, controlled only by the decisions of their assembled elders. In all which cases we may discern the leading traits above indicated as proper to societies not impelled to corporate action by war. Strong centralized control not being required, such government as exists is exercised by a council, informally approved—a rude representative government; class-distinctions do not exist, or are but faintly indicated—the relation of *status* is absent; whatever transactions take place between individuals are by agreement; and the function which the ruling body has to perform, becomes substantially limited to protecting private life by settling such disputes as arise, and inflicting mild punishments for small offences.

Difficulties meet us when, turning to civilized societies, we seek in them for traits of the industrial type. Consolidated and organized as they have all been by wars actively carried on throughout the earlier periods of their existence, and mostly continued down to recent times; and having simultaneously been developing within themselves organizations for producing and distributing commodities, which have little by little become contrasted with those proper to militant activities; the two are everywhere presented so mingled that clear separation of the first from the last is, as said at the outset, scarcely practicable. Radically opposed, however, as is compulsory cooperation, the organizing principle of the militant type, to voluntary cooperation, the organizing principle of the industrial type, we may, by observing the decline of institutions exhibiting the one, recognize, by implication, the growth of institutions exhibiting the other. Hence if, in passing from the first states of civilized nations in which war is the business of life, to states in which hostilities are but occasional, we simultaneously pass to states in which the ownership of the individual by his society is not so constantly and strenuously enforced, in which the subjection of rank to rank is mitigated, in which political rule is no longer autocratic, in which the regulation of citizens' lives is diminished in range and rigour, while the protection of them is increased; we are, by implication, shown the traits of a developing industrial type. Comparisons of several kinds disclose results which unite in verifying this truth.

Take, first, the broad contrast between the early condition of the more civilized European nations at large, and their later condition. Setting out from the dissolution of the Roman empire, we observe that for many centuries during which conflicts were effecting consolidations, and dissolutions, and re-consolidations in endless variety, such energies as were not directly devoted to war were devoted to little else than supporting the organizations which carried on war: the working part of each community did not exist for its own

sake, but for the sake of the fighting part. While militancy was thus high and industrialism undeveloped, the reign of superior strength, continually being established by societies one over another, was equally displayed within each society. From slaves and serfs, through vassals of different grades up to dukes and kings, there was an enforced subordination by which the individualities of all were greatly restricted. And at the same time that, to carry on external aggression or resistance, the ruling power in each group sacrificed the personal claims of its members, the function of defending its members from one another was in but small degree discharged by it: they were left to defend themselves. If with these traits of European societies in mediæval times, we compare their traits in modern times, we see the following essential differences. First, with the formation of nations covering large areas, the perpetual wars within each area have ceased; and though the wars between nations which from time to time occur are on larger scales, they are less frequent, and they are no longer the business of all freemen. Second, there has grown up in each country a relatively large population which carries on production and distribution for its own maintenance; so that whereas of old, the working part existed for the benefit of the fighting part, now the fighting part exists mainly for the benefit of the working part—exists ostensibly to protect it in the quiet pursuit of its ends. Third, the system of status, having under some of its forms disappeared and under others become greatly mitigated, has been almost universally replaced by the system of contract. Only among those who, by choice or by conscription, are incorporated in the military organization, does the system of status in its primitive rigour still hold so long as they remain in this organization. Fourth, with this decrease of compulsory cooperation and increase of voluntary cooperation, there have diminished or ceased many minor restraints over individual actions. Men are less tied to their localities than they were; they are not obliged to profess

certain religious opinions; they are less debarred from expressing their political views; they no longer have their dresses and modes of living dictated to them; they are comparatively little restrained from forming private combinations and holding meetings for one or other purpose—political, religious, social. Fifth, while the individualities of citizens are less aggressed upon by public agency, they are more protected by public agency against aggression. Instead of a *régime* under which individuals rectified their private wrongs by force as well as they could, or else bribed the ruler, general or local, to use his power in their behalf, there has come a *régime* under which, while much less self-protection is required, a chief function of the ruling power and its agents is to administer justice. In all ways, then, we are shown that with this relative decrease of militancy and relative increase of industrialism, there has been a change from a social order in which individuals exist for the benefit of the State, to a social order in which the State exists for the benefit of individuals.

When, instead of contrasting early European communities at large with European communities at large as they now exist, we contrast the one in which industrial development has been less impeded by militancy with those in which it has been more impeded by militancy, parallel results are apparent. Between our own society and continental societies, as for example, France, the differences which have gradually arisen may be cited in illustration. After the conquering Normans had spread over England, there was established here a much greater subordination of local rulers to the general ruler than existed in France; and, as a result, there was not nearly so much internal dissension. Says Hallam, speaking of this period, "we read very little of private wars in England." Though from time to time, as under Stephen, there were rebellions, and though there were occasional fights between nobles, yet for some hundred and fifty years, up to the time of King John, the subjection main-

tained secured comparative order. Further, it is to be noted that such general wars as occurred were mostly carried on abroad. Descents on our coasts were few and unimportant, and conflicts with Wales, Scotland, and Ireland, entailed but few intrusions on English soil. Consequently, there was a relatively small hindrance to industrial life and the growth of social forms appropriate to it. Meanwhile, the condition of France was widely different. During this period and long after, besides wars with England (mostly fought out on French soil) and wars with other countries, there were going on everywhere local wars. From the 10th to the 14th century perpetual fights between suzerains and their vassals occurred, as well as fights of vassals with one another. Not until towards the middle of the 14th century did the king begin greatly to predominate over the nobles; and only in the 15th century was there established a supreme ruler strong enough to prevent the quarrels of local rulers. How great was the repression of industrial development caused by internal conflicts, may be inferred from the exaggerated language of an old writer, who says of this period, during which the final struggle of monarchy with feudalism was going on, that "agriculture, traffic, and all the mechanical arts ceased." Such being the contrast between the small degree in which industrial life was impeded by war in England, and the great degree in which it was impeded by war in France, let us ask—what were the political contrasts which arose. The first fact to be noted is that in the middle of the 13th century there began in England a mitigation of villeinage, by limitation of labour-services and commutation of them for money, and that in the 14th century the transformation of a servile into a free population had in great measure taken place; while in France, as in other continental countries, the old condition survived and became worse. As Mr. Freeman says of this period—"in England villeinage was on the whole dying out, while in many other countries it was getting harder and harder." Besides this spreading sub-

stitution of contract for status, which, taking place first in the industrial centres, the towns, afterwards went on in the rural districts, there was going on an analogous enfranchisement of the noble class. The enforced military obligations of vassals were more and more replaced by money payments or scutages; so that by King John's time, the fighting services of the upper class had been to a great extent compounded for, like the labour services of the lower class. After diminished restraints over persons, there came diminished invasions of property. By the Charter, arbitrary tallages on towns and non-military king's tenants were checked; and while the aggressive actions of the State were thus decreased, its protective actions were extended: provisions were made that justice should be neither sold, delayed, nor denied. All which changes were towards those social arrangements which we see characterize the industrial type. Then, in the next place, we have the subsequently-occurring rise of a representative government; which, as shown in a preceding chapter by another line of inquiry, is at once the product of industrial growth and the form proper to the industrial type. But in France none of these changes took place. Villeinage remaining unmitigated continued to comparatively late times; compounding for military obligation of vassal to suzerain was less general; and when there arose tendencies towards the establishment of an assembly expressing the popular will, they proved abortive. Detailed comparisons of subsequent periods and their changes would detain us too long: it must suffice to indicate the leading facts. Beginning with the date at which, under the influences just indicated, parliamentary government was finally established in England, we find that for a century and a half, down to the Wars of the Roses, the internal disturbances were few and unimportant compared with those which took place in France; and at the same time (remembering that the wars between England and France, habitually taking place on French soil, affected the state of France more than that of England) we note that

France carried on serious wars with Flanders, Castille and Navarre besides the struggle with Burgundy: the result being that while in England popular power as expressed by the House of Commons became settled and increased, such power as the States General had acquired in France, dwindled away. Not forgetting that by the Wars of the Roses, lasting over thirty years, there was initiated a return towards absolutism; let us contemplate the contrasts which subsequently arose. For a century and a half after these civil conflicts ended, there were but few and trivial breaches of internal peace; while such wars as went on with foreign powers, not numerous, took place as usual out of England. During this period the retrograde movement which the Wars of the Roses set up, was reversed, and popular power greatly increased; so that in the words of Mr. Bagehot, "the slavish parliament of Henry VIII. grew into the murmuring parliament of Queen Elizabeth, the mutinous parliament of James I., and the rebellious parliament of Charles I." Meanwhile France, during the first third of this period, had been engaged in almost continuous external wars with Italy, Spain, and Austria; while during the remaining two-thirds, it suffered from almost continuous internal wars, religious and political: the accompanying result being that, notwithstanding resistances from time to time made, the monarchy became increasingly despotic. Fully to make manifest the different social types which had been evolved under these different conditions, we have to compare not only the respective political constitutions but also the respective systems of social control. Observe what these were at the time when there commenced that reaction which ended in the French revolution. In harmony with the theory of the militant type, that the individual is in life, liberty, and property, owned by the State, the monarch was by some held to be the universal proprietor. The burdens he imposed upon landowners were so grievous that a part of them preferred abandoning their estates to paying. Then besides the taking of property by

the State, there was the taking of labour. One-fourth of the working days in the year went to the *corvées*, due now to the king and now to the feudal lord. Such liberties as were allowed, had to be paid for and again paid for: the municipal privileges of towns being seven times in twenty-eight years withdrawn and re-sold to them. Military services of nobles and people were imperative to whatever extent the king demanded; and conscripts were drilled under the lash. At the same time that the subjection of the individual to the State was pushed to such an extreme by exactions of money and services that the impoverished people cut the grain while it was green, ate grass, and died of starvation in multitudes, the State did little to guard their persons and homes. Contemporary writers enlarge on the immense numbers of highway robberies, burglaries, assassinations, and torturings of people to discover their hoards. Herds of vagabonds, levying blackmail, roamed about; and when, as a remedy, penalties were imposed, innocent persons denounced as vagabonds were sent to prison without evidence. No personal security could be had either against the ruler or against powerful enemies. In Paris there were some thirty prisons where untried and unsentenced people might be incarcerated; and the "brigandage of justice" annually cost suitors forty to sixty millions of francs. While the State, aggressing on citizens to such extremes, thus failed to protect them against one another, it was active in regulating their private lives and labours. Religion was dictated to the extent that Protestants were imprisoned, sent to the galleys, or whipped, and their ministers hanged. The quantity of salt (on which there was a heavy tax) to be consumed by each person was prescribed; as were also the modes of its use. Industry of every kind was supervised. Certain crops were prohibited; and vines destroyed that were on soils considered unfit. The wheat that might be bought at market was limited to two bushels; and sales took place in presence of dragoons. Manufacturers were regulated in their processes and products to the extent that

there was destruction of improved appliances and of goods not made according to law, as well as penalties upon inventors. Regulations succeeded one another so rapidly that amid their multiplicity, government agents found it difficult to carry them out; and with increasing official orders there came increasing swarms of public functionaries. Turning now to England at the same period, we see that along with progress towards the industrial type of political structure, carried to the extent that the House of Commons had become the predominant power, there had gone a progress towards the accompanying social system. Though the subjection of the individual to the State was considerably greater than now, it was far less than in France. His private rights were not sacrificed in the same unscrupulous way; and he was not in danger of a *lettre de cachet*. Though justice was very imperfectly administered, still it was not administered so wretchedly: there was a fair amount of personal security, and aggressions on property were kept within bounds. The disabilities of Protestant dissenters were diminished early in the century; and, later on, those of Catholics. Considerable freedom of the press was acquired, showing itself in the discussion of political questions, as well as in the publication of parliamentary debates; and, about the same time, there came free speech in public meetings. While thus the State aggressed on the individual less and protected him more, it interfered to a smaller extent with his daily transactions. Though there was much regulation of commerce and industry, yet it was pushed to no such extreme as that which in France subjected agriculturists, manufacturers, and merchants, to an army of officials who directed their acts at every turn. In brief, the contrast between our state and that of France was such as to excite the surprise and admiration of various French writers of the time; from whom Mr. Buckle quotes numerous passages showing this.

Most significant of all, however, are the changes in England itself, first retrogressive and then progressive, that occurred

during the war-period which extended from 1775 to 1815, and during the subsequent period of peace. At the end of the last century and the beginning of this, reversion towards ownership of the individual by the society had gone a long way. "To statesmen, the State, as a unit, was all in all, and it is really difficult to find any evidence that the people were thought of at all, except in the relation of obedience." "The Government regarded the people with little other view than as a taxable and soldier-yielding mass." While the militant part of the community had greatly developed, the industrial part had approached towards the condition of a permanent commissariat. By conscription and by press-gangs, was carried to a relatively vast extent that sacrifice of the citizen in life and liberty which war entails; and the claims to property were trenched on by merciless taxation, weighing down the middle classes so grievously that they had greatly to lower their rate of living, while the people at large were so distressed (partly no doubt by bad harvests) that "hundreds ate nettles and other weeds." With these major aggressions upon the individual by the State, went numerous minor aggressions. Irresponsible agents of the executive were empowered to suppress public meetings and seize their leaders: death being the punishment for those who did not disperse when ordered. Libraries and news-rooms could not be opened without licence; and it was penal to lend books without permission. There were "strenuous attempts made to silence the press;" and booksellers dared not publish works by obnoxious authors. "Spies were paid, witnesses were suborned, juries were packed, and the *habeas corpus* Act being constantly suspended, the Crown had the power of imprisoning without inquiry and without limitation." While the Government taxed and coerced and restrained the citizen to this extent, its protection of him was inefficient. It is true that the penal code was made more extensive and more severe. The definition of treason was enlarged, and numerous offences were made capital which were not capital before; so

that there was "a vast and absurd variety of offences for which men and women were sentenced to death by the score:" there was "a devilish levity in dealing with human life." But at the same time there was not an increase, but rather a decrease, of security. As says Mr. Pike in his *History of Crime in England*, "it became apparent that the greater the strain of the conflict the greater is the danger of a reaction towards violence and lawlessness." Turn now to the opposite picture. After recovery from the prostration which prolonged wars had left, and after the dying away of those social perturbations caused by impoverishment, there began a revival of traits proper to the industrial type. Coercion of the citizen by the State decreased in various ways. Voluntary enlistment replaced compulsory military service; and there disappeared some minor restraints over personal freedom, as instance the repeal of laws which forbade artizans to travel where they pleased, and which interdicted trades-unions. With these manifestations of greater respect for personal freedom, may be joined those shown in the amelioration of the penal code: the public whipping of females being first abolished; then the long list of capital offences being reduced until there finally remained but one; and, eventually, the pillory and imprisonment for debt being abolished. Such penalties on religious independence as remained disappeared; first by removal of those directed against Protestant Dissenters, and then of those which weighed on Catholics, and then of some which told specially against Quakers and Jews. By the Parliamentary Reform Bill and the Municipal Reform Bill, vast numbers were removed from the subject classes to the governing classes. Interferences with the business-transactions of citizens were diminished by allowing free trade in bullion, by permitting joint-stock banks, by abolishing multitudinous restrictions on the importation of commodities—leaving eventually but few which pay duty. Moreover while these and kindred changes, such as the removal of restraining burdens on the press, decreased the im-

pediments to free actions of citizens, the protective action of the State was increased. By a greatly-improved police system, by county courts, and so forth, personal safety and claims to property were better secured.

Not to elaborate the argument further by adding the case of the United States, which repeats with minor differences the same relations of phenomena, the evidence given adequately supports the proposition laid down. Amid all the complexities and perturbations, comparisons show us with sufficient clearness that in actually-existing societies those attributes which we inferred must distinguish the industrial type, show themselves clearly in proportion as the social activities are predominantly characterized by exchange of services under agreement.

§ 574. As, in the last chapter, we noted the traits of character proper to the members of a society which is habitually at war; so here, we have to note the traits of character proper to the members of a society occupied exclusively in peaceful pursuits. Already in delineating above, the rudiments of the industrial type of social structure as exhibited in certain small groups of unwarlike peoples, some indications of the accompanying personal qualities have been given; but it will be well now to emphasize these and add to them, before observing the kindred personal qualities in more advanced industrial communities.

Absence of a centralized coercive rule, implying as it does feeble political restraints exercised by the society over its units, is accompanied by a strong sense of individual freedom, and a determination to maintain it. The amiable Bodo and Dhimáls, as we have seen, resist "injunctions injudiciously urged with dogged obstinacy." The peaceful Lepchas "undergo great privations rather than submit to oppression or injustice." The "simple-minded Santáls" has a "strong natural sense of justice, and should any attempt be made to coerce him, he flies the country." Similarly of a

tribe not before mentioned, the Jakuns of the South Malayan Peninsula, who, described as "entirely inoffensive," personally brave but peaceful, and as under no control but that of popularly-appointed heads who settle their disputes, are also described as "extremely proud:" the so-called pride being exemplified by the statement that their remarkably good qualities "induced several persons to make attempts to domesticate them, but such essays have generally ended in the Jakuns' disappearance on the slightest coercion."

With a strong sense of their own claims, these unwarlike men display unusual respect for the claims of others. This is shown in the first place by the rarity of personal collisions among them. Hodgson says that the Bodo and the Dhimáls "are void of all violence towards their own people or towards their neighbours." Of the peaceful tribes of the Neilgherry Hills, Colonel Ouchterlony writes:—"drunkenness and violence are unknown amongst them." Campbell remarks of the Lepchas, that "they rarely quarrel among themselves." The Jakuns, too, "have very seldom quarrels among themselves;" and such disputes as arise are settled by their popularly-chosen heads "without fighting or malice." In like manner the Arafuras "live in peace and brotherly love with one another." Further, in the accounts of these peoples we read nothing about the *lex talionis*. In the absence of hostilities with adjacent groups there does not exist within each group that "sacred duty of blood-revenge" universally recognized in military tribes and nations. Still more significantly, we find evidence of the opposite doctrine and practice. Says Campbell of the Lepchas—"they are singularly forgiving of injuries . . . making mutual amends and concessions."

Naturally, with respect for others' individualities thus shown, goes respect for their claims to property. Already in the preliminary chapter I have quoted testimonies to the great honesty of the Bodo and the Dhimáls, the Lepchas, the Santáls, the Todas, and other peoples kindred in their form of social life; and here I may add further ones. Of the Lepchas,

Hooker remarks:—"in all my dealings with these people, they proved scrupulously honest." "Among the pure Santáls," writes Hunter, "crime and criminal officers are unknown;" while of the Hos, belonging to the same group as the Sántals, Dalton says, "a reflection on a man's honesty or veracity may be sufficient to send him to self-destruction." Shortt testifies that "the Todas, as a body, have never been convicted of heinous crimes of any kind;" and concerning other tribes of the Shervaroy Hills, he states that "crime of a serious nature is unknown amongst them." Again of the Jakuns we read that "they are never known to steal anything, not even the most insignificant trifle." And so of certain natives of Malacca who "are naturally of a commercial turn," Jukes writes:—"no part of the world is freer from crime than the district of Malacca;" "a few petty cases of assault, or of disputes about property . . . are all that occur."

Thus free from the coercive rule which warlike activities necessitate, and without the sentiment which makes the needful subordination possible—thus maintaining their own claims while respecting the like claims of others—thus devoid of the vengeful feelings which aggressions without and within the tribe generate; these peoples, instead of the bloodthirstiness, the cruelty, the selfish trampling upon inferiors, characterizing militant tribes and societies, display, in unusual degrees, the humane sentiments. Insisting on their amiable qualities, Hodgson describes the Bodo and the Dhimáls as being "almost entirely free from such as are unamiable." Remarking that "while courteous and hospitable he is firm and free from cringing," Hunter tells us of the Santál that he thinks "uncharitable men" will suffer after death. Saying that the Lepchas are "ever foremost in the forest or on the bleak mountain, and ever ready to help, to carry, to encamp, collect, or cook," Hooker adds—"they cheer on the traveller by their unostentatious zeal in his service;" and he also adds that, "a present is divided equally amongst many, without a syllable of discontent or grudging

look or word." Of the Jakuns, too, Favre tells us that "they are generally kind, affable, inclined to gratitude and to beneficence:" their tendency being not to ask favours but to confer them. And then of the peaceful Arafuras we learn from Kolff that—

"They have a very excusable ambition to gain the name of rich men, by paying the debts of their poorer villagers. The officer [M. Bik], whom I quoted above, related to me a very striking instance of this. At Affara he was present at the election of the village chiefs, two individuals aspiring to the station of Orang Tua. The people chose the elder of the two, which greatly afflicted the other, but he soon afterwards expressed himself satisfied with the choice the people had made, and said to M. Bik, who had been sent there on a commission, 'What reason have I to grieve; whether I am Orang Tua or not, I still have it in my power to assist my fellow villagers.' Several old men agreed to this, apparently to comfort him. Thus the only use they make of their riches is to employ it in settling differences."

With these superiorities of the social relations in permanently peaceful tribes, go superiorities of the domestic relations. As I have before pointed out (§ 327), while the status of women is habitually very low in tribes given to war and in more advanced militant societies, it is habitually very high in these primitive peaceful societies. The Bodo and the Dhimáls, the Kocch, the Santáls, the Lepchas, are monogamic, as were also the Pueblos; and along with their monogamy habitually goes a superior sexual morality. Of the Lepchas Hooker says—"the females are generally chaste, and the marriage tie is strictly kept." Among the Santáls "unchastity is almost unknown," and "divorce is rare." By the Bodo and the Dhimáls, "polygamy, concubinage and adultery are not tolerated;" "chastity is prized in man and woman, married and unmarried." Further it is to be noted that the behaviour to women is extremely good. "The Santál treats the female members of his family with respect;" the Bodo and the Dhimáls "treat their wives and daughters with confidence and kindness; they are free from all out-door work whatever." And even among the Todas, low as are the forms of their sexual relations, "the wives are treated by

their husbands with marked respect and attention." Moreover, we are told concerning sundry of these unwarlike peoples that the status of children is also high; and there is none of that distinction of treatment between boys and girls which characterizes militant peoples.

Of course on turning to the civilized to observe the form of individual character which accompanies the industrial form of society, we encounter the difficulty that the personal traits proper to industrialism, are, like the social traits, mingled with those proper to militancy. It is manifestly thus with ourselves. A nation which, besides its occasional serious wars, is continually carrying on small wars with uncivilized tribes—a nation which is mainly ruled in Parliament and through the press by men whose school-discipline led them during six days in the week to take Achilles for their hero, and on the seventh to admire Christ—a nation which, at its public dinners, habitually toasts its army and navy before toasting its legislative bodies; has not so far emerged out of militancy that we can expect either the institutions or the characteristics proper to industrialism to be shown with clearness. In independence, in honesty, in truthfulness, in humanity, its citizens are not likely to be the equals of the uncultured but peaceful peoples above described. All we may anticipate is an approach to those moral qualities appropriate to a state undisturbed by international hostilities; and this we find.

In the first place, with progress of the *régime* of contract has come growth of independence. Daily exchange of services under agreement, involving at once the maintenance of personal claims and respect for the claims of others, has fostered a normal self-assertion and consequent resistance to unauthorized power. The facts that the word "independence," in its modern sense, was not in use among us before the middle of the last century, and that on the continent independence is less markedly displayed, suggest the connexion between this trait and a developing industrialism.

The trait is shown in the multitudinousness of religious sects, in the divisions of political parties, and, in minor ways, by the absence of those "schools" in art, philosophy, &c., which, among continental peoples, are formed by the submission of disciples to an adopted master. That Englishmen show, more than their neighbours, a jealousy of dictation, and a determination to act as they think fit, will not, I think, be disputed.

The diminished subordination to authority, which is the obverse of this independence, of course implies decrease of loyalty. Worship of the monarch, at no time with us reaching the height it did in France early in the last century, or in Russia down to recent times, has now changed into a respect depending very much on the monarch's personal character. Our days witness no such extreme servilities of expression as were used by ecclesiastics in the dedication of the Bible to King James, nor any such exaggerated adulations as those addressed to George III. by the House of Lords. The doctrine of divine right has long since died away; belief in an indwelling supernatural power (implied by the touching for king's evil, &c.) is named as a curiosity of the past; and the monarchical institution has come to be defended on grounds of expediency. So great has been the decrease of this sentiment which, under the militant *régime*, attaches subject to ruler, that now-a-days the conviction commonly expressed is that, should the throne be occupied by a Charles II. or a George IV., there would probably result a republic. And this change of feeling is shown in the attitude towards the Government as a whole. For not only are there many who dispute the authority of the State in respect of sundry matters besides religious beliefs, but there are some who passively resist what they consider unjust exercises of its authority, and pay fines or go to prison rather than submit.

As this last fact implies, along with decrease of loyalty has gone decrease of faith, not in monarchs only but in governments. Such belief in royal omnipotence as existed in ancient Egypt, where the power of the ruler was supposed to

extend to the other world, as it is even now supposed to do in China, has had no parallel in the West; but still, among European peoples in past times, that confidence in the soldier-king essential to the militant type, displayed itself among other ways in exaggerated conceptions of his ability to rectify mischiefs, achieve benefits, and arrange things as he willed. If we compare present opinion among ourselves with opinion in early days, we find a decline in these credulous expectations. Though, during the late retrograde movement towards militancy, State-power has been invoked for various ends, and faith in it has increased; yet, up to the commencement of this reaction, a great change had taken place in the other direction. After the repudiation of a State-enforced creed, there came a denial of the State's capacity for determining religious truth, and a growing movement to relieve it from the function of religious teaching; held to be alike needless and injurious. Long ago it had ceased to be thought that Government could do any good by regulating people's food, clothing, and domestic habits; and over the multitudinous processes carried on by producers and distributors, constituting immensely the larger part of our social activities, we no longer believe that legislative dictation is beneficial. Moreover, every newspaper by its criticisms on the acts of ministers and the conduct of the House of Commons, betrays the diminished faith of citizens in their rulers. Nor is it only by contrasts between past and present among ourselves that we are shown this trait of a more developed industrial state. It is shown by kindred contrasts between opinion here and opinion abroad. The speculations of social reformers in France and in Germany, prove that the hope for benefits to be achieved by State-agency is far higher with them than with us.

Along with decrease of loyalty and concomitant decrease of faith in the powers of governments, has gone decrease of patriotism—patriotism, that is, under its original form. To fight "for king and country" is an ambition which now-a-

days occupies but a small space in men's minds; and though there is among us a majority whose sentiment is represented by the exclamation—"Our country, right or wrong!" yet there are large numbers whose desire for human welfare at large, so far overrides their desire for national prestige, that they object to sacrificing the first to the last. The spirit of self-criticism, which in sundry respects leads us to make unfavourable comparisons between ourselves and our continental neighbours, leads us more than heretofore to blame ourselves for wrong conduct to weaker peoples. The many and strong reprobations of our dealings with the Afghans, the Zulus, and the Boers, show that there is a large amount of the feeling reprobated by the "Jingo"-class as unpatriotic.

That adaptation of individual nature to social needs, which, in the militant state, makes men glory in war and despise peaceful pursuits, has partially brought about among us a converse adjustment of the sentiments. The occupation of the soldier has ceased to be so much honoured, and that of the civilian is more honoured. During the forty years' peace, the popular sentiment became such that "soldiering" was spoken of contemptuously; and those who enlisted, habitually the idle and the dissolute, were commonly regarded as having completed their disgrace. Similarly in America before the late civil war, such small military gatherings and exercises as from time to time occurred, excited general ridicule. Meanwhile we see that labours, bodily and mental, useful to self and others, have come to be not only honourable but in a considerable degree imperative. In America the adverse comments on a man who does nothing, almost force him into some active pursuit; and among ourselves the respect for industrial life has become such that men of high rank put their sons into business.

While, as we saw, the compulsory cooperation proper to militancy, forbids, or greatly discourages, individual initiative, the voluntary cooperation which distinguishes industrialism, gives free scope to individual initiative, and develops it by

letting enterprise bring its normal advantages. Those who are successfully original in idea and act, prospering and multiplying in a greater degree than others, produce, in course of time, a general type of nature ready to undertake new things. The speculative tendencies of English and American capitalists, and the extent to which large undertakings, both at home and abroad, are carried out by them, sufficiently indicate this trait of character. Though, along with considerable qualifications of militancy by industrialism on the continent, there has occurred there, too, an extension of private enterprise; yet the fact that while many towns in France and Germany have been supplied with gas and water by English companies, there is in England but little of kindred achievement by foreign companies, shows that among the more industrially-modified English, individual initiative is more decided.

There is evidence that the decline of international hostilities, associated as it is with the decline of hostilities between families and between individuals, is followed by a weakening of revengeful sentiments. This is implied by the fact that in our own country the more serious of these private wars early ceased, leaving only the less serious in the form of duels, which also have at length ceased: their cessation coinciding with the recent great development of industrial life—a fact with which may be joined the fact that in the more militant societies, France and Germany, they have not ceased. So much among ourselves has the authority of the *lex talionis* waned, that a man whose actions are known to be prompted by the wish for vengeance on one who has injured him, is reprobated rather than applauded.

With decrease of the aggressiveness shown in acts of violence and consequent acts of retaliation, has gone decrease of the aggressiveness shown in criminal acts at large. That this change has been a concomitant of the change from a more militant to a more industrial state, cannot be doubted by one who studies the history of crime in England. Says

Mr. Pike in his work on that subject, "the close connexion between the military spirit and those actions which are now legally defined to be crimes, has been pointed out, again and again, in the course of this history." If we compare a past age in which the effects of hostile activities had been less qualified by the effects of peaceful activities than they are in our own age, we see a marked contrast in respect of the numbers and kinds of offences against person and property. We have no longer any English buccaneers; wreckers have ceased to be heard of; and travellers do not now prepare themselves to meet highwaymen. Moreover, that flagitiousness of the governing agencies themselves, which was shown by the venality of ministers and members of Parliament, and by the corrupt administration of justice, has disappeared. With decreasing amount of crime has come increasing reprobation of crime. Biographies of pirate captains, suffused with admiration of their courage, no longer find a place in our literature; and the sneaking kindness for "gentlemen of the road," is, in our days, but rarely displayed. Many as are the transgressions which our journals report, they have greatly diminished; and though in trading transactions there is much dishonesty (chiefly of the indirect sort) it needs but to read Defoe's *English Tradesman*, to see how marked has been the improvement since his time. Nor must we forget that the change of character which has brought a decrease of unjust actions, has brought an increase of beneficent actions; as seen in paying for slave-emancipation, in nursing the wounded soldiers of our fighting neighbours, in philanthropic efforts of countless kinds.

§ 575. As with the militant type then, so with the industrial type, three lines of evidence converge to show us its essential nature. Let us set down briefly the several results, that we may observe the correspondences among them.

On considering what must be the traits of a society organized exclusively for carrying on internal activities, so as

most efficiently to subserve the lives of citizens, we find them to be these. A corporate action subordinating individual actions by uniting them in joint effort, is no longer requisite. Contrariwise, such corporate action as remains has for its end to guard individual actions against all interferences not necessarily entailed by mutual limitations: the type of society in which this function is best discharged, being that which must survive, since it is that of which the members will most prosper. Excluding, as the requirements of the industrial type do, a despotic controlling agency, they imply, as the only congruous agency for achieving such corporate action as is needed, one formed of representatives who serve to express the aggregate will. The function of this controlling agency, generally defined as that of administering justice, is more specially defined as that of seeing that each citizen gains neither more nor less of benefit than his activities normally bring; and there is thus excluded all public action involving any artificial distribution of benefits. The *régime* of status proper to militancy having disappeared, the *régime* of contract which replaces it has to be universally enforced; and this negatives interferences between efforts and results by arbitrary apportionment. Otherwise regarded, the industrial type is distinguished from the militant type as being not both positively regulative and negatively regulative, but as being negatively regulative only. With this restricted sphere for corporate action comes an increased sphere for individual action; and from that voluntary cooperation which is the fundamental principle of the type, arise multitudinous private combinations, akin in their structures to the public combination of the society which includes them. Indirectly it results that a society of the industrial type is distinguished by plasticity; and also that it tends to lose its economic autonomy, and to coalesce with adjacent societies.

The question next considered was, whether these traits of the industrial type as arrived at by deduction are inductively verified; and we found that in actual societies they are visible

more or less clearly in proportion as industrialism is more or less developed. Glancing at those small groups of uncultured people who, wholly unwarlike, display the industrial type in its rudimentary form, we went on to compare the structures of European nations at large in early days of chronic militancy, with their structures in modern days characterized by progressing industrialism; and we saw the differences to be of the kind implied. We next compared two of these societies, France and England, which were once in kindred states, but of which the one has had its industrial life much more repressed by its militant life than the other; and it became manifest that the contrasts which, age after age, arose between their institutions, were such as answer to the hypothesis. Lastly, limiting ourselves to England itself, and first noting how recession from such traits of the industrial type as had shown themselves, occurred during a long war-period, we observed how, during the subsequent long period of peace beginning in 1815, there were numerous and decided approaches to that social structure which we concluded must accompany developed industrialism.

We then inquired what type of individual nature accompanies the industrial type of society; with the view of seeing whether, from the character of the unit as well as from the character of the aggregate, confirmation is to be derived. Certain uncultured peoples whose lives are passed in peaceful occupations, proved to be distinguished by independence, resistance to coercion, honesty, truthfulness, forgiveness, kindness. On contrasting the characters of our ancestors during more warlike periods with our own characters, we see that, with an increasing ratio of industrialism to militancy, have come a growing independence, a less-marked loyalty, a smaller faith in governments, and a more qualified patriotism; and while, by enterprising action, by diminished faith in authority, by resistance to irresponsible power, there has been shown a strengthening assertion of individuality, there has accompanied it a growing respect for the individualities of

others, as is implied by the diminution of aggressions upon them and the multiplication of efforts for their welfare.

To prevent misapprehension it seems needful, before closing, to explain that these traits are to be regarded less as the immediate results of industrialism than as the remote results of non-militancy. It is not so much that a social life passed in peaceful occupations is positively moralizing, as that a social life passed in war is positively demoralizing. Sacrifice of others to self is in the one incidental only; while in the other it is necessary. Such aggressive egoism as accompanies the industrial life is extrinsic; whereas the aggressive egoism of the militant life is intrinsic. Though generally unsympathetic, the exchange of services under agreement is now, to a considerable extent, and may be wholly, carried on with a due regard to the claims of others—may be constantly accompanied by a sense of benefit given as well as benefit received; but the slaying of antagonists, the burning of their houses, the appropriation of their territory, cannot but be accompanied by vivid consciousness of injury done them, and a consequent brutalizing effect on the feelings—an effect wrought, not on soldiers only, but on those who employ them and contemplate their deeds with pleasure. The last form of social life, therefore, inevitably deadens the sympathies and generates a state of mind which prompts crimes of trespass; while the first form, allowing the sympathies free play if it does not directly exercise them, favours the growth of altruistic sentiments and the resulting virtues.

NOTE.—This reference to the natural genesis of a higher moral nature recalls a controversy some time since carried on. In a "Symposium" published in the *Nineteenth Century* for April and May, 1877, was discussed "the influence upon morality of a decline in religious belief:" the question eventually raised being whether morality can exist without religion. Not much difficulty in answering this question will be felt by those who, from the conduct of the rude tribes described in this chapter, turn to that of Europeans during a great part of the Christian era; with its innumerable and immeasurable public and private atrocities, its bloody aggressive wars, its ceaseless family-vendettas, its bandit barons and fight-

ing bishops, its massacres, political and religious, its torturings and burnings, its all-pervading crime from the assassinations of and by kings down to the lyings and petty thefts of slaves and serfs. Nor do the contrasts between our own conduct at the present time and the conduct of these so-called savages, leave us in doubt concerning the right answer. When, after reading police reports, criminal assize proceedings, accounts of fraudulent bankruptcies, &c., which in our journals accompany advertisements of sermons and reports of religious meetings, we learn that the "amiable" Bodo and Dhimáls, who are so "honest and truthful," "have no word for God, for soul, for heaven, for hell" (though they have ancestor-worship and some derivative beliefs), we find ourselves unable to recognize the alleged connexion. If, side by side with narratives of bank-frauds, railway-jobbings, turf-chicaneries, &c., among people who are anxious that the House of Commons should preserve its theism untainted, we place descriptions of the "fascinating" Lepchas, who are so "wonderfully honest," but who "profess no religion, though acknowledging the existence of good and bad spirits" (to the last of whom only they pay any attention), we do not see our way to accepting the dogma which our theologians think so obviously true; nor will acceptance of it be made easier when we add the description of the conscientious Santál, who "never thinks of making money by a stranger," and "feels pained if payment is pressed upon him" for food offered; but concerning whom we are told that "of a supreme and beneficent God the Santál has no conception." Admission of the doctrine that right conduct depends on theological conviction, becomes difficult on reading that the Veddahs who are "almost devoid of any sentiment of religion" and have no idea "of a Supreme Being," nevertheless "think it perfectly inconceivable that any person should ever take that which does not belong to him, or strike his fellow, or say anything that is untrue." After finding that among the select of the select who profess our established creed, the standard of truthfulness is such that the statement of a minister concerning cabinet transactions is distinctly falsified by the statement of a seceding minister: and after then recalling the marvellous veracity of these godless Bodo and Dhimáls, Lepchas, and other peaceful tribes having kindred beliefs, going to such extent that an imputation of falsehood is enough to make one of the Hos destroy himself; we fail to see that in the absence of a theistic belief there can be no regard for truth. When, in a weekly journal specially representing the university culture shared in by our priests, we find a lament over the moral degradation shown by our treatment of the Boers —when we are held degraded because we have not slaughtered them for successfully resisting our trespasses—when we see that the "sacred duty of blood revenge," which the cannibal savage insists upon, is insisted upon by those to whom the Christian religion was daily taught throughout their education; and when, from contemplating this fact, we pass to the fact

that the unreligious Lepchas "are singularly forgiving of injuries," the assumed relation between humanity and theism appears anything but congruous with the evidence. If, with the ambitions of our church-going citizens, who (not always in very honourable ways) strive to get fortunes that they may make great displays, and gratify themselves by thinking that at death they will "cut up well," we compare the ambitions of the Arafuras, among whom wealth is desired that its possessor may pay the debts of poorer men and settle differences, we are obliged to reject the assumption that "brotherly love" can exist only as a consequence of divine injunctions, with promised rewards and threatened punishments; for of these Arafuras we read that—

"Of the immortality of the soul they have not the least conception. To all my inquiries on the subject they answered, 'No Arafura has ever returned to us after death, therefore we know nothing of a future state, and this is the first time we have heard of it.' Their idea was, when you are dead there is an end of you. Neither have they any notion of the creation of the world. They only answered, 'None of us were aware of this, we have never heard anything about it, and therefore do not know who has done it all.'"

The truth disclosed by the facts is that, so far as men's moral states are concerned, theory is almost nothing and practice is almost everything. No matter how high their nominal creed, nations given to political burglaries to get "scientific frontiers," and the like, will have among their members many who "annex" other's goods for their own convenience; and with the organized crime of aggressive war, will go criminality in the behaviour of one citizen to another. Conversely, as these uncultivated tribes prove, no matter how devoid they are of religious beliefs, those who, generation after generation remaining unmolested, inflict no injuries upon others, have their altruistic sentiments fostered by the sympathetic intercourse of a peaceful daily life, and display the resulting virtues. We need teaching that it is impossible to join injustice and brutality abroad with justice and humanity at home. What a pity these Heathens cannot be induced to send missionaries among the Christians!

CHAPTER XIX.

POLITICAL RETROSPECT AND PROSPECT.

§ 576. In the foregoing chapters little has been said concerning the doctrine of Evolution at large, as re-illustrated by political evolution; though doubtless the observant reader has occasionally noted how the transformations described conform to the general law of transformation. Here, in summing up, it will be convenient briefly to indicate their conformity. Already in Part II, when treating of Social Growth, Social Structures, and Social Functions, the outlines of this correspondence were exhibited; but the materials for exemplifying it in a more special way, which have been brought together in this Part, may fitly be utilized to emphasize afresh a truth not yet commonly admitted.

That under its primary aspect political development is a process of integration, is clear. By it individuals originally separate are united into a whole; and the union of them into a whole is variously shown. In the earliest stages the groups of men are small, they are loose, they are not unified by subordination to a centre. But with political progress comes the compounding, re-compounding, and re-re-compounding of groups until great nations are produced. Moreover, with that settled life and agricultural development accompanying political progress, there is not only a formation of societies covering wider areas, but an increasing density of their populations. Further, the loose aggregation of savages passes into

the coherent connexion of citizens; at one stage coercively bound to one another and to their localities by family-ties and class-ties, and at a later stage voluntarily bound together by their mutually-dependent occupations. Once more, there is that merging of individual wills in a governmental will, which reduces a society, as it reduces an army, to a consolidated body.

An increase of heterogeneity at the same time goes on in many ways. Everywhere the horde, when its members co-operate for defence or offence, begins to differentiate into a predominant man, a superior few, and an inferior many. With that massing of groups which war effects, there grow out of these, head chief, subordinate chiefs, and warriors; and at higher stages of integration, kings, nobles, and people: each of the two great social strata presently becoming differentiated within itself. When small societies have been united, the respective triune governing agencies of them grow unlike: the local political assemblies falling into subordination to a central political assembly. Though, for a time, the central one continues to be constituted after the same manner as the local ones, it gradually diverges in character by loss of its popular element. While these local and central bodies are becoming contrasted in their powers and structures, they are severally becoming differentiated in another way. Originally each is at once military, political, and judicial; but by and by the assembly for judicial business, no longer armed, ceases to be like the politico-military assembly; and the politico-military assembly eventually gives origin to a consultative body, the members of which, when meeting for political deliberation, come unarmed. Within each of these divisions, again, kindred changes subsequently occur. While themselves assuming more specialized forms, local judicial agencies fall under the control of a central judicial agency; and the central judicial agency, which has separated from the original consultative body, subdivides into parts or courts which take unlike kinds of business. The central political

body, too, where its powers do not disappear by absorption in those of the supreme head, tends to complicate; as in our own case by the differentiation of a privy council from the original consultative body, and again by the differentiation of a cabinet from the privy council: accompanied, in the other direction, by division of the consultative body into elective and non-elective parts. While these metamorphoses are going on, the separation of the three organizations, legislative, judicial, and executive, progresses. Moreover, with progress in these major political changes goes that progress in minor political changes which, out of family-governments and clan-governments, evolves such governments as those of the tything, the gild, and the municipality. Thus in all directions from primitive simplicity there is produced ultimate complexity, through modifications upon modifications.

With this advance from small incoherent social aggregates to great coherent ones, which, while becoming integrated pass from uniformity to multiformity, there goes an advance from indefiniteness of political organization to definiteness of political organization. Save inherited ideas and usages, nothing is fixed in the primitive horde. But the differentiations above described, severally beginning vaguely, grow in their turns gradually more marked. Class-divisions, absent at first and afterwards undecided, eventually acquire great distinctness: slaves, serfs, freemen, nobles, king, become separated, often by impassable barriers, and their positions shown by mutilations, badges, dresses, &c. Powers and obligations which were once diffused are parted off and rigorously maintained. The various parts of the political machinery come to be severally more and more restricted in their ranges of duties; and usage, age by age accumulating precedents, brings every kind of official action within prescribed bounds. This increase of definiteness is everywhere well shown by the development of laws. Beginning as inherited sacred injunctions briefly expressed, these have to be applied after some prescribed method, and their meanings in

relation to particular cases made clear. Rules of procedure become step by step detailed and formal, while interpretations change the general command into specialized commands to meet incidental circumstances; and gradually there grows up a legal system everywhere precise and fixed. How pronounced is this tendency is interestingly shown in our system of Equity, which, arising to qualify the unduly defined and rigid applications of Law, itself slowly multiplied its technicalities until it grew equally defined and rigid.

To meet an obvious criticism it must be added that these changes from societies which are small, loose, uniform, and vague in structure, to societies which are large, compact, multiform, and distinct in structure, present varieties of characters under varieties of conditions, and alter as the conditions alter. Different parts of a society display the transformation, according as the society's activities are of one or other kind. Chronic war generates a compulsory cohesion, and produces an ever-greater heterogeneity and definiteness in that controlling organization by which unity of action is secured; while that part of the organization which carries on production and distribution, exhibits these traits of evolution in a relatively small degree. Conversely, when joint action of the society against other societies decreases, the traits of the structure developed for carrying it on begin to fade; while the traits of the structure for carrying on production and distribution become more decided: the increasing cohesion, heterogeneity, and definiteness, begin now to be shown throughout the industrial organization. Hence the phenomena become complicated by a simultaneous evolution of one part of the social organization and dissolution of another part—a mingling of changes well illustrated in our own society.

§ 577. With this general conception before us, which, without more detailed recapitulation of the conclusions reached, will sufficiently recall them, we may turn from

retrospect to prospect; and ask through what phases political evolution is likely hereafter to pass.

Such speculations concerning higher political types as we may allow ourselves, must be taken with the understanding that such types are not likely to become universal. As in the past so in the future, local circumstances must be influential in determining governmental arrangements; since these depend in large measure on the modes of life which the climate, soil, flora, and fauna, necessitate. In regions like those of Central Asia, incapable of supporting considerable populations, there are likely to survive wandering hordes under simple forms of control. Large areas such as parts of Africa present, which prove fatal to the higher races of men, and the steaming atmospheres of which cause enervation, may continue to be inhabited by lower races of men, subject to political arrangements adapted to them. And in conditions such as those furnished by small Pacific Islands, mere deficiency of numbers must negative the forms of government which become alike needful and possible in large nations. Recognizing the fact that with social organisms as with individual organisms, the evolution of superior types does not entail the extinction of all inferior ones, but leaves many of these to survive in habitats not available by the superior, we may here restrict ourselves to the inquiry—What are likely to be the forms of political organization and action in societies that are favourably circumstanced for carrying social evolution to its highest stage?

Of course deductions respecting the future must be drawn from inductions furnished by the past. We must assume that hereafter social evolution will conform to the same principles as heretofore. Causes which have everywhere produced certain effects must, if they continue at work, be expected to produce further effects of like kinds. If we see that political transformations which have arisen under certain conditions, admit of being carried further in the same directions, we must conclude that they will be carried further

if the conditions are maintained; and that they will go on until they reach limits beyond which there is no scope for them.

Not indeed that any trustworthy forecast can be made concerning proximate changes. All that has gone before unites to prove that political institutions, fundamentally determined in their forms by the predominance of one or other of the antagonist modes of social action, the militant and the industrial, will be moulded in this way or in that way according as there is frequent war or habitual peace. Hence we must infer that throughout approaching periods, everything will depend on the courses which societies happen to take in their behaviour to one another—courses which cannot be predicted. On the one hand, in the present state of armed preparation throughout Europe, an untoward accident may bring about wars which, lasting perhaps for a generation, will re-develop the coercive forms of political control. On the other hand, a long peace is likely to be accompanied by so vast an increase of manufacturing and commercial activity, with accompanying growth of the appropriate political structures within each nation, and strengthening of those ties between nations which mutual dependence generates, that hostilities will be more and more resisted and the organization adapted for the carrying them on will decay.

Leaving, however, the question—What are likely to be the proximate political changes in the most advanced nations? and inferring from the changes which civilization has thus far wrought out, that at some time, more or less distant, the industrial type will become permanently established, let us now ask—What is to be the ultimate political *régime*?

§ 578. Having so recently contemplated at length the political traits of the industrial type as inferable *à priori*, and as partially exemplified *à posteriori* in societies most favourably circumstanced for evolving them, there remains only to present these under a united and more concrete form, with

some dependent ones which have not been indicated. We will glance first at the implied political structures, and next at the implied political functions.

What forms of governmental organization must be the outcome of voluntary cooperation carried to its limit? We have already seen that in the absence of those appliances for coercion which accompany the militant type, whatever legislative and administrative structures exist, must be, in general and in detail, of directly or indirectly representative origin. The presence in them of functionaries not deriving their powers from the aggregate will, and not changeable by the aggregate will, would imply partial continuance of that *régime* of status which the *régime* of contract has, by the hypothesis, entirely replaced. But assuming the exclusion of all irresponsible agents, what particular structures will best serve to manifest and execute the aggregate will? This is a question to which only approximate answers can be given. There are various possible organizations through which the general *consensus* of feeling and opinion may display itself and issue in action; and it is very much a question of convenience, rather than of principle, which of these shall be adopted. Let us consider some of their varieties.

The representatives constituting the central legislature may form one body or they may form two. If there is but one, it may consist of men directly elected by all qualified citizens; or its members may be elected by local bodies which have themselves arisen by direct election; or it may include members some of whom are elected in the one way and some in the other. If there are two chambers, the lower one may arise in the first of the three ways named; while the second arises in one of several ways. It may consist of members chosen by local representative bodies; or it may be chosen by the lower chamber out of its own number. Its members may either have no test of eligibility, or they may be required to have special qualifications: experience in administration, for example. Then besides these various forms of the

legislature, there are the various modes in which it may be partially or wholly replaced. Entire dissolution and re-election of one body or of both bodies may occur at intervals, either the same for the two or different for the two, and either simultaneously or otherwise; or the higher body, though representative, may be permanent, while the lower is changeable; or the changing of one or both, at given intervals, may be partial instead of complete—a third or a fourth may vacate their seats annually or biennially, and may or may not be eligible for re-election. So, too, there are various modes by which the executive may originate consistently with the representative principle. It may be simple or it may be compound; and if compound, the members of it may be changeable separately or altogether. The political head may be elected directly by the whole community, or by its local governing bodies, or by one or by both of its central representative bodies; and may be so elected for a term or for life. His assistants or ministers may be chosen by himself; or he may choose one who chooses the rest; or they may be chosen separately or bodily by one or other legislature, or by the two united. And the members of the ministry may compose a group apart from both chambers, or may be members of one or the other.

Concerning these, and many other possible arrangements which may be conceived as arising by modification and complication of them (all apparently congruous with the requirement that the making and administration of laws shall conform to public opinion) the choice is to be guided mainly by regard for simplicity and facility of working. But it seems likely that hereafter, as heretofore, the details of constitutional forms in each society, will not be determined on *à priori* grounds, or will be but partially so determined. We may conclude that they will be determined in large measure by the antecedents of the society; and that between societies of the industrial type, there will be differences of political organization consequent on genealogical differences. Recog-

nizing the analogies furnished by individual organizations, which everywhere show us that structures evolved during the earlier stages of a type for functions then requisite, usually do not disappear at later stages, but become re-moulded in adaptation to functions more or less different; we may suspect that the political institutions appropriate to the industrial type, will, in each society, continue to bear traces of the earlier political institutions evolved for other purposes; as we see that even now the new societies growing up in colonies, tend thus to preserve marks of earlier stages passed through by ancestral societies. Hence we may infer that societies which, in the future, have alike become completely industrial, will not present identical political forms; but that to the various possible forms appropriate to the type, they will present approximations determined partly by their own structures in the past and partly by the structures of the societies from which they have been derived. Recognizing this probability, let us now ask by what changes our own political constitution may be brought into congruity with the requirements.

Though there are some who contend that a single body of representatives is sufficient for the legislative needs of a free nation, yet the reasons above given warrant the suspicion that the habitual duality of legislatures, of which the rudiments are traceable in the earliest political differentiation, is not likely to be entirely lost in the future. That spontaneous division of the primitive group into the distinguished few and the undistinguished many, both of which take part in determining the actions of the group—that division which, with reviving power of the undistinguished many, reappears when there is formed a body representing it, which cooperates with the body formed of the distinguished few in deciding on national affairs, appears likely to continue. Assuming that as a matter of course two legislative bodies, if they exist hereafter, must both arise by representation, direct or indirect, it seems probable that an upper and a lower chamber may

continue to display a contrast in some degree analogous to that which they have displayed thus far. For however great the degree of evolution reached by an industrial society, it cannot abolish the distinction between the superior and the inferior—the regulators and the regulated. Whatever arrangements for carrying on industry may in times to come be established, must leave outstanding the difference between those whose characters and abilities raise them to the higher positions, and those who remain in the lower. Even should all kinds of production and distribution be eventually carried on by bodies of cooperators, as a few are now to some extent, such bodies must still have their appointed heads and committees of managers. Either from an electorate constituted not, of course, of a permanently-privileged class, but of a class including all heads of industrial organizations, or from an electorate otherwise composed of all persons occupied in administration, a senate may perhaps eventually be formed consisting of the representatives of directing persons as distinguished from the representatives of persons directed. Of course in the general government, as in the government of each industrial body, the representatives of the class regulated must be ultimately supreme; but there is reason for thinking that the representatives of the regulating class might with advantage exercise a restraining power. Evidently the aspect of any law differs according as it is looked at from above or from below—by those accustomed to rule or by those accustomed to be ruled. The two aspects require to be coordinated. Without assuming that differences between the interests of these bodies will, to the last, make needful different representations of them, it may reasonably be concluded that the higher, experienced in administration, may with advantage bring its judgments to bear in qualifying the judgments of the lower, less conversant with affairs; and that social needs are likely to be most effectually met by laws issuing from their joint deliberations. Far from suggesting an ultimate unification of the two legislative bodies, the facts

of evolution, everywhere showing advance in specialization, suggest rather that one or both of such two bodies, now characterizing developed political organizations, will further differentiate. Indeed we have at the present moment indications that such a change is likely to take place in our own House of Commons. To the objection that the duality of a legislative body impedes the making of laws, the reply is that a considerable amount of hindrance to change is desirable. Even as it is now among ourselves, immense mischiefs are done by ill-considered legislation; and any change which should further facilitate legislation would increase such mischiefs.

Concerning the ultimate executive agency, it appears to be an unavoidable inference that it must become, in some way or other, elective; since hereditary political headship is a trait of the developed militant type, and forms a part of that *régime* of status which is excluded by the hypothesis. Guided by such evidence as existing advanced societies afford us, we may infer that the highest State-office, in whatever way filled, will continue to decline in importance; and that the functions to be discharged by its occupant will become more and more automatic. There requires an instrumentality having certain traits which we see in our own executive, joined with certain traits which we see in the executive of the United States. On the one hand, it is needful that the men who have to carry out the will of the majority as expressed through the legislature, should be removable at pleasure; so that there may be maintained the needful subordination of their policy to public opinion. On the other hand, it is needful that displacement of them shall leave intact all that part of the executive organization required for current administrative purposes. In our own case these requirements, fulfilled to a considerable extent, fall short of complete fulfilment in the respect that the political head is not elective, and still exercises, especially over the foreign policy of the nation, a considerable amount of power. In

the United States, while these requirements are fulfilled in the respect that the political head is elective, and cannot compromize the nation in its actions towards other nations, they are not fulfilled in the respect that far from being an automatic centre, having actions restrained by a ministry responsive to public opinion, he exercises, during his term of office, much independent control. Possibly in the future, the benefits of these two systems may be united and their evils avoided. The strong party antagonisms which accompany our state of transition having died away, and the place of supreme State-officer having become one of honour rather than one of power, it may happen that appointment to this place, made during the closing years of a great career to mark the nation's approbation, will be made without any social perturbation, because without any effect on policy; and that, meanwhile, such changes in the executive agency as are needful to harmonize its actions with public opinion, will be, as at present among ourselves, changes of ministries.

Rightly to conceive the natures and workings of the central political institutions appropriate to the industrial type, we must assume that along with the establishment of them there has gone that change just named in passing—the decline of party antagonisms. Looked at broadly, political parties are seen to arise directly or indirectly out of the conflict between militancy and industrialism. Either they stand respectively for the coercive government of the one and the free government of the other, or for particular institutions and laws belonging to the one or the other, or for religious opinions and organizations congruous with the one or the other, or for principles and practices that have been bequeathed by the one or the other, and survived under alien conditions. Habitually if we trace party feeling to its sources, we find on the one side maintenance of, and on the other opposition to, some form of inequity. Wrong is habitually alleged by this side against that; and there must be injustice either in the thing

done or in the allegation concerning it. Hence as fast as the *régime* of voluntary cooperation with its appropriate ideas, sentiments, and usages, pervades the whole society—as fast as there disappear all those arrangements which in any way trench upon the equal freedom of these or those citizens, party warfare must practically die away. Such differences of opinion only can remain as concern matters of detail and minor questions of administration. Evidently there is approach to such a state in proportion as the graver injustices descending from the militant type disappear. Evidently, too, one concomitant is that increasing subdivision of parties commonly lamented, which promises to bring about the result that no course can be taken at the dictation of any one moiety in power; but every course taken, having the assent of the average of parties, will be thereby proved in harmony with the aggregate will of the community. And clearly, with this breaking up of parties consequent on growing individuality of nature, all such party-antagonisms as we now know must cease.

Concerning local government we many conclude that as centralization is an essential trait of the militant type, decentralization is an essential trait of the industrial type. With that independence which the *régime* of voluntary cooperation generates, there arises resistance not only to dictation by one man, and to dictation by a class, but even to dictation by a majority, when it restrains individual action in ways not necessary for maintaining harmonious social relations. One result must be that the inhabitants of each locality will object to be controlled by the inhabitants of other localities, in matters of purely local concern. In respect of such laws as equally apply to all individuals, and such laws as affect the inhabitants of each locality in their intercourse with those of other localities, the will of the majority of the community will be recognized as authoritative; but in respect of arrangements not affecting the community at large, but affecting only the members forming one

part, we may infer that there will arise such tendency to resist dictation by members of other parts, as will involve the carrying of local rule to the greatest practicable limit. Municipal and kindred governments may be expected to exercise legislative and administrative powers, subject to no greater control by the central government than is needful for the concord of the whole community.

Neither these nor any other speculations concerning ultimate political forms can, however, be regarded as anything more than tentative. They are ventured here simply as foreshadowing the general nature of the changes to be anticipated; and in so far as they are specific, can be at the best but partially right. We may be sure that the future will bring unforeseen political arrangements along with many other unforeseen things. As already implied, there will probably be considerable variety in the special forms of the political institutions of industrial societies: all of them bearing traces of past institutions which have been brought into congruity with the representative principle. And here I may add that little stress need be laid on one or other speciality of form; since, given citizens having the presupposed appropriate natures, and but small differences in the ultimate effects will result from differences in the machinery used.

§ 579. Somewhat more definitely, and with somewhat greater positiveness, may we, I think, infer the political functions carried on by those political structures proper to the developed industrial type. Already these have been generally indicated; but here they must be indicated somewhat more specifically.

We have seen that when corporate action is no longer needed for preserving the society as a whole from destruction or injury by other societies, the end which remains for it is that of preserving the component members of the society from destruction or injury by one another: injury, as here

interpreted, including not only immediate, but also remote, breaches of equity. Citizens whose natures have through many generations of voluntary cooperation and accompanying regard for one another's claims, been moulded into the appropriate form, will entirely agree to maintain such political institutions as may continue needful for insuring to each that the activities he carries on within limits imposed by the activities of others, shall bring to him all the directly-resulting benefits, or such benefits as indirectly result under voluntary agreements; and each will be ready to yield up such small portion of the proceeds of his labour, as may be required to maintain the agency for adjudicating in complex cases where the equitable course is not manifest, and for such legislative and administrative purposes as may prove needful for effecting an equitable division of all natural advantages. Resistance to extension of government beyond the sphere thus indicated, must eventually have a two-fold origin—egoistic and altruistic.

In the first place, it cannot be supposed that citizens having the characters indicated, will, in their corporate capacity, agree to impose on themselves individually, other restraints than those necessitated by regard for one another's spheres of action. Each has had fostered in him by the discipline of daily life carried on under contract, a sentiment prompting assertion of his claim to free action within the implied limits; and there cannot therefore arise in an aggregate of such, any sentiment which would tolerate further limits. And that any part should impose such further limits on the rest, is also contrary to the hypothesis; since it presupposes that political inequality, or status, which is excluded by the industrial type. Moreover, it is manifest that the taking from citizens of funds for public purposes other than those above specified, is negatived. For while there will ever be a unanimous desire to maintain for each and all the conditions needful for severally carrying on their private activities and enjoying the products, the probabilities are

immense against agreement for any other public end. And in the absence of such agreement, there must arise resistance by the dissentients to the costs and administrative restraints required for achieving such other end. There must be dissatisfaction and opposition on the part of the minority from whom certain returns of their labours are taken, not for fulfilling their own desires, but for fulfilling the desires of others. There must be an inequality of treatment which does not consist with the *régime* of voluntary cooperation fully carried out.

At the same time that the employment of political agencies for other ends than that of maintaining equitable relations among citizens, will meet with egoistic resistance from a minority who do not desire such other ends, it will also meet with altruistic resistance from the rest. In other words, the altruism of the rest will prevent them from achieving such further ends for their own satisfaction, at the cost of dissatisfaction to those who do not agree with them. To one who is ruled by a predominant sentiment of justice, the thought of profiting in any way, direct or indirect, at the expense of another, is repugnant; and in a community of such, none will desire to achieve by public agency at the cost of all, benefits which a part do not participate in, or do not wish for. Given in all citizens a quick sense of equity, and it must happen, for example, that while those who have no children will protest against the taking away of their property to educate the children of others, the others will no less protest against having the education of their children partially paid for by forced exactions from the childless, from the unmarried, and from those whose means are in many cases less than their own. So that the eventual limitation of State-action to the fundamental one described, is insured by a simultaneous increase of opposition to other actions and a decrease of desire for them.

§ 580. The restricted sphere for political institutions thus

inferred as characterizing the developed industrial type, may also be otherwise inferred.

For this limitation of State-functions is one outcome of that process of specialization of functions which accompanies organic and super-organic evolution at large. Be it in an animal or be it in a society, the progress of organization is constantly shown by the multiplication of particular structures adapted to particular ends. Everywhere we see the law to be that a part which originally served several purposes and achieved none of them well, becomes divided into parts each of which performs one of the purposes, and, acquiring specially-adapted structures, performs it better. Throughout the foregoing chapters we have seen this truth variously illustrated by the evolution of the governmental organization itself. It remains here to point out that it is further illustrated in a larger way, by the division which has arisen, and will grow ever more decided, between the functions of the governmental organization as a whole, and the functions of the other organizations which the society includes.

Already we have seen that in the militant type, political control extends over all parts of the lives of the citizens. Already we have seen that as industrial development brings the associated political changes, the range of this control decreases: ways of living are no longer dictated; dress ceases to be prescribed; the rules of class-subordination lose their peremptoriness; religious beliefs and observances are not insisted upon; modes of cultivating the land and carrying on manufactures are no longer fixed by law; and the exchange of commodities, both within the community and with other communities, becomes gradually unshackled. That is to say, as industrialism has progressed, the State has retreated from the greater part of those regulative actions it once undertook. This change has gone along with an increasing opposition of citizens to these various kinds of control, and a decreasing tendency on the part of the State to

exercise them. Unless we assume that the end has now been reached, the implication is that with future progress of industrialism, these correlative changes will continue. Citizens will carry still further their resistance to State-dictation; while the tendency to State-dictation will diminish. Though recently, along with re-invigoration of militancy, there have gone extensions of governmental interference, yet this is interpretable as a temporary wave of reaction. We may expect that with the ending of the present retrograde movement and resumption of unchecked industrial development, that increasing restriction of State-functions which has unquestionably gone on during the later stages of civilization, will be resumed; and, for anything that appears to the contrary, will continue until there is reached the limit above indicated.

Along with this progressing limitation of political functions, has gone increasing adaptation of political agencies to the protecting function, and better discharge of it. During unqualified militancy, while the preservation of the society as a whole against other societies was the dominant need, the preservation of the individuals forming the society from destruction or injury by one another, was little cared for; and in so far as it was cared for, was cared for mainly out of regard for the strength of the whole society, and its efficiency for war. But those same changes which have cut off so many political functions at that time exercised, have greatly developed this essential and permanent political function. There has been a growing efficiency of the organization for guarding life and property; due to an increasing demand on the part of citizens that their safety shall be insured, and an increasing readiness on the part of the State to respond. Evidently our own time, with its extended arrangements for administering justice, and its growing wish for codification of the law, exhibits a progress in this direction; which will end only when the State undertakes to administer civil justice to the citizen free of cost, as it now undertakes,

free of cost, to protect his person and punish criminal aggression on him.

And the accompanying conclusion is that there will be simultaneously carried further that trait which already characterizes the most industrially-organized societies—the performance of increasingly-numerous and increasingly-important functions by other organizations than those which form departments of the government. Already in our own case private enterprise, working through incorporated bodies of citizens, achieves ends undreamed of as so achievable in primitive societies; and in the future, other ends undreamed of now as so achievable, will be achieved.

§ 581. A corollary having important practical bearings may be drawn. The several changes making up the transformation above indicated, are normally connected in their amounts; and mischief must occur if the due proportions among them are not maintained. There is a certain right relation to one another, and a right relation to the natures of citizens, which may not be disregarded with impunity.

The days when "paper constitutions" were believed in have gone by—if not with all, still with instructed people. The general truth that the characters of the units determine the character of the aggregate, though not admitted overtly and fully, is yet admitted to some extent—to the extent that most politically-educated persons do not expect forthwith completely to change the state of a society by this or that kind of legislation. But when fully admitted, this truth carries with it the conclusion that political institutions cannot be effectually modified faster than the characters of citizens are modified; and that if greater modifications are by any accident produced, the excess of change is sure to be undone by some counter-change. When, as in France, people undisciplined in freedom are suddenly made politically free, they show by some *plébiscite* that they willingly deliver over their power to an autocrat, or they work their parliamentary

system in such way as to make a popular statesman into a dictator. When, as in the United States, republican institutions, instead of being slowly evolved, are all at once created, there grows up within them an agency of wire-pulling politicians, exercising a real rule which overrides the nominal rule of the people at large. When, as at home, an extended franchise, very soon re-extended, vastly augments the mass of those who, having before been controlled are made controllers, they presently fall under the rule of an organized body that chooses their candidates and arranges for them a political programme, which they must either accept or be powerless. So that in the absence of a duly-adapted character, liberty given in one direction is lost in another.

Allied to the normal relation between character and institutions, are the normal relations among institutions themselves; and the evils which arise from disregard of the second relations are allied to those which arise from disregard of the first. Substantially there is produced the same general effect. The slavery mitigated in one direction is intensified in another. Coercion over the individual, relaxed here is tightened there. For, as we have seen, that change which accompanies development of the industrial type, and is involved by the progress towards those purely equitable relations which the *régime* of voluntary cooperation brings, implies that the political structures simultaneously became popular in their origin and restricted in their functions. But if they become more popular in their origin without becoming more restricted in their functions, the effect is to foster arrangements which benefit the inferior at the expense of the superior; and by so doing work towards degradation. Swayed as individuals are on the average by an egoism which dominates over their altruism, it must happen that even when they become so far equitable in their sentiments that they will not commit direct injustices, they will remain liable to commit injustices of indirect kinds. And since the majority must ever be

formed of the inferior, legislation, if unrestricted in its range, will inevitably be moulded by them in such way as more or less remotely to work out to their own advantage, and to the disadvantage of the superior. The politics of trades'-unions exemplify the tendency. Their usages have become such that the more energetic and skilful workmen are not allowed to profit to the full extent of their capacities; because, if they did so, they would discredit and disadvantage those of lower capacities, who, forming the majority, establish and enforce the usages. In multitudinous ways a like tendency must act through a political organization, if, while all citizens have equal powers, the organization can be used for other purposes than administering justice. State-machineries worked by taxes falling in more than due proportion on those whose greater powers have brought them greater means, will give to citizens of smaller powers more benefits than they have earned. And this burdening of the better for the benefit of the worse, must check the evolution of a higher and more adapted nature: the ultimate result being that a community by which this policy is pursued, will, other things equal, fail in competition with a community which pursues the purely equitable policy, and will eventually disappear in the race of civilization.

In brief, the diffusion of political power unaccompanied by the limitation of political functions, issues in communism. For the direct defrauding of the many by the few, it substitutes the indirect defrauding of the few by the many: evil proportionate to the inequity, being the result in the one case as in the other.

§ 582. But the conclusion of profoundest moment to which all lines of argument converge, is that the possibility of a high social state, political as well as general, fundamentally depends on the cessation of war. After all that has been said it is needless to emphasize afresh the truth that persistent militancy, maintaining adapted institutions, must in-

evitably prevent, or else neutralize, changes in the direction of more equitable institutions and laws; while permanent peace will of necessity be followed by social ameliorations of every kind.

From war has been gained all that it had to give. The peopling of the Earth by the more powerful and intelligent races, is a benefit in great measure achieved; and what remains to be done, calls for no other agency than the quiet pressure of a spreading industrial civilization on a barbarism which slowly dwindles. That integration of simple groups into compound ones, and of these into doubly compound ones, which war has effected, until at length great nations have been produced, is a process already carried as far as seems either practicable or desirable. Empires formed of alien peoples habitually fall to pieces when the coercive power which holds them together fails; and even could they be held together, would not form harmoniously-working wholes: peaceful federation is the only further consolidation to be looked for. Such large advantage as war has yielded by developing that political organization which, beginning with the leadership of the best warrior has ended in complex governments and systems of administration, has been fully obtained; and there only remains for the future to preserve and re-mould its useful parts while getting rid of those no longer required. So, too, that organization of labour initiated by war—an organization which, setting out with the relation of owner and slave and developing into that of master and servant, has, by elaboration, given us industrial structures having numerous grades of officials, from head-directors down to foremen—has been developed quite as far as is requisite for combined action; and has to be hereafter modified, not in the direction of greater military subordination, but rather in the opposite direction. Again, the power of continuous application, lacking in the savage and to be gained only under that coercive discipline which the militant type of society establishes, has been already in large measure acquired by the civilized man; and such further degree of it as is needed,

will be produced under the stress of industrial competition in free communities. Nor is it otherwise with great public works and developed industrial arts. Though, in the canal cut by the Persians across the isthmus of Athos, and again in a canal of two miles long made by the Fijians, we see both that war is the first prompter to such undertakings and that the despotic rule established by it is the needful agency for carrying them out; yet we also see that industrial evolution has now reached a stage at which commercial advantage supplies a sufficient stimulus, and private trading corporations a sufficient power, to execute works far larger and more numerous. And though from early days when flint arrow-heads were chipped and clubs carved, down to present days when armour-plates a foot thick are rolled, the needs of defence and offence have urged on invention and mechanical skill; yet in our own generation steam-hammers, hydraulic rams, and multitudinous new appliances from locomotives to telephones, prove that industrial needs alone have come to furnish abundant pressure whereby, hereafter, the industrial arts will be further advanced. Thus, that social evolution which had to be achieved through the conflicts of societies with one another, has already been achieved; and no further benefits are to be looked for.

Only further evils are to be looked for from the continuance of militancy in civilized nations. The general lesson taught by all the foregoing chapters is that, indispensable as has been this process by which nations have been consolidated, organized, and disciplined, and requisite as has been the implied coercion to develop certain traits of individual human nature, yet that, beyond the unimaginable amount of suffering directly involved by the process, there has been an unimaginable amount of suffering indirectly involved; alike by the forms of political institutions necessitated, and by the accompanying type of individual nature fostered. And they show by implication that for the diminution of this suffering, not only of the direct kind but of the indirect kind, the one

thing needful is the checking of international antagonisms and the diminution of those armaments which are at once cause and consequence of them. With the repression of militant activities and decay of militant organizations, will come amelioration of political institutions as of all other institutions. Without them, no such ameliorations are permanently possible. Liberty overtly gained in name and form will be unobtrusively taken away in fact.

It is not to be expected, however, that any very marked effects are to be produced by the clearest demonstration of this truth—even by a demonstration beyond all question. A general congruity has to be maintained between the social state at any time necessitated by circumstances, and the accepted theories of conduct, political and individual. Such acceptance as there may be of doctrines at variance with the temporary needs, can never be more than nominal in degree, or limited in range, or both. The acceptance which guides conduct will always be of such theories, no matter how logically indefensible, as are consistent with the average modes of action, public and private. All that can be done by diffusing a doctrine much in advance of the time, is to facilitate the action of forces tending to cause advance. The forces themselves can be but in small degrees increased; but something may be done by preventing mis-direction of them. Of the sentiment at any time enlisted on behalf of a higher social state, there is always some (and at the present time a great deal) which, having the broad vague form of sympathy with the masses, spends itself in efforts for their welfare by multiplication of political agencies of one or other kind. Led by the prospect of immediate beneficial results, those swayed by this sympathy are unconscious that they are helping further to elaborate a social organization at variance with that required for a higher form of social life, and are, by so doing, increasing the obstacles to attainment of that higher form. On a portion of such the foregoing chapters may have some effect by leading them to con-

sider whether the arrangements they are advocating involve increase of that public regulation characterizing the militant type, or whether they tend to produce that greater individuality and more extended voluntary cooperation, characterizing the industrial type. To deter here and there one from doing mischief by imprudent zeal, is the chief proximate effect to be hoped for.

REFERENCES.

To find the authority for any statement in the text, the reader is to proceed as follows:—Observing the number of the section in which the statement occurs, he will first look out, in the following pages, the corresponding number, which is printed in conspicuous type. Among the references succeeding this number, he will then look for the name of the tribe, people, or nation concerning which the statement is made (the names in the references standing in the same order as that which they have in the text); and that it may more readily catch the eye, each such name is printed in Italics. In the parenthesis following the name, will be found the volume and page of the work referred to, preceded by the first three or four letters of the author's name; and where more than one of his works has been used, the first three or four letters of the title of the one containing the particular statement. The meanings of these abbreviations, employed to save the space that would be occupied by frequent repetitions of full titles, is shown at the end of the references; where will be found arranged in alphabetical order, these initial syllables of authors' names, &c., and opposite to them the full titles of the works referred to.

CEREMONIAL INSTITUTIONS.

§ 343. *Australians* (Mitch. ii, 68; i, 87; Ang. i, 59)—*Tasmanians* (Bon. pp. 3, 37, 226)—*Esquimaux* (ref. lost)—*Comanches* (Banc. i, 519)—*Araucanians* (Smith, 196)—*Bedouins* (Bur. —)—*Arabs* (Lyon, 53)—*Balonda* (Liv. 296)—*Malagasy* (Ell. "Hist." i, 258)—*Samoans* (Tur. 289). **§ 344.** *Chinese* (Will. ii, 69)—*Tahitians* (Ell. "Pol. Res." i, —; ii, 369)—*Tongans* (Mar. ii, 78, 100)—*Ancient Mexicans* (Dur. i. ch. 26)—*Peru* (Gar. bk. ii, ch. 12)—*Japanese* (Alc. i, 63)—*England* (Whar. 469)—*Tahitians* (Ell. "Pol. Res." ii, 216)—*Sandwich Islanders* (Ell. "Hawaii," 393-4)—*Nicaraguans* (Ovi. bk. xlii, ch. 2 & 3)—*Peruvians* (Acos. bk. v, ch. 25)—*Hebrews* (Kue. i, 292-3)—*Mediæval Europe* (ref. lost). **§ 345.** *Tongans* (Mar. i, 146, note)—*Fijians* (Wil. i, 233)—*Siamese* (La Loub. i, 353)—*Chinese* (Will. i, 313)—*Japanese* (Stein. —). **§ 346.** *Mongol* (Timk. i, 196)—*Philippines* (Jag. 161)—*Chittagong Hill Tribes* (Lew. 118)—*Burmese* (Fyt. ii, 69)—*Samoans* (Tur. 346)—*Esquimaux* (Beech. i, 242)—*New Zealanders* (Cook, "Last Voy." 49)—*Snake Indians* (Lew. & Cl. 266)—*Comanches* (Marcy, 29)—*Fuegians* (Eth. S. "Trans." i, 263)—*Loango* (Pink. Voy. xvi, 331)—*Batoka* (Liv. 551)—*Balonda* (Liv. 276)—*Loango* (Ast. iii, 228)—*Fuegians* (U. S. Ex. i, 127)—*Fiji* (Wil. i, 37)—*Australians* (Mitch. i, 87)—*New Zealanders* (Ang. ii, 32-75)—*Central*

South Africa (Liv. —)—*Shoshones* (Banc. i, 438)—*Australians* (Ang. i, 59)—*Vaté* (Ersk. 334)—*Samoan* (Tur. 194)—*Africa* (Liv. —)—*Peruvians* (Cie. 168) — *Egyptians* (Wilk. plates) — *Moslem* (Klun. 106) — *Tahitians* (Hawk. i. 447)— *Kaffirs* (Bar. i, 175)—*Tasmanians* (West, ii, 7)—*Arabs* (Bak. 86)—*Kamschadales* (Krash. 212-3). § 347. *Patagonians* (Falk. 121)—*Madagascar* (Ell. "Hist." ii, 258)—*Samoans* (Tur. 348) — *Fijians* (Ersk. 254) — *Ashantees* (Dup. 48) — *Yorubas* (Lan. i, 125) — *Madagascar* (ref. lost)—*China* (Staun. 345) — *Chibchas* (Sim. 267) — *Samoa* (Tur. 314) — *Madagascar* (Ell. "Visits," 127) — *Japanese* (Stein. —) — *Chinese* (Mil. 94)—*Rome* (Beck. 213)—*Assyrians* (Raw. i, 503-4)—*Mexico* (Her. iii, 203; Torq. bk. ix, ch. 20)—*Nicaragua* (Squ. ii, 346)—*Peru* (Piz. 225; Xer. 48)—*Chibchas* (Pied. bk. i, ch. 5)—*Uganda* (Speke, 294—*Dahomey* (Bur. i, 244) — *Abyssinians* (Duf. 71; Bru. iv, 454, 417) — *New Zealand* (Thom. i, 114) —*Egypt* (Eb. i, 352)—*China* (Huc, "Trav." ii, 261; Gutz. ii, 311; Will. i, 331-2; ii, 68-9)—*Japanese* (Dick. 79; Mit. ii, 43)—*Chivalry* (Scott, 3-4) —*France* (Leb. vol. xiii, passim; Cher. 536-7) — *England* (Nob. passim)—*Peru* (Acos. bk. v, ch. 6)—*Madagascar* (Ell. "Hist." i, 356)—*England* (Nob. 46 & passim)—*France* (Leb. vol. xiii, passim) — *England* (Nob. 315-6). § 349. *Vaté* (Tur. 393)—*Shoshones* (Banc. i, 438)—*Mishmis* (Coop. 190)—*Santals* (As. S. B. xx, 582)—*Koossas* (Lich. i, 288)—*Ashantee* (Beech. 211) —*Ceris and Opatas* (Banc. i, 581)—*Chichimecs* (Banc. i, 629). § 350. *Hebrews* (Judges vii, 25; 1 Samuel xvii, 54) — *Chichimecs* (Banc. i, 629) — *Abipones* (Dob. ii, 408)—*Mundrucus* (Hen. 475)—*New Zealanders* (Thom. i, 130)—*Congo* (Tuck. 101)—*Ashantee* (Dup. 227)—*Persia* (Mor. 186)—*Timour* (Gib. ch. lxv)—*Dahomey* (Bur. i, 218; Dal. 76)—*Northern Celebes* (ref. lost) —*Dyaks* (Boyle, 170-1)—*Kukis* (As. S. B. ix, 837)—*Borneo* (St. John, ii, 27). § 351. *Ashantee* (Ram. 130)—*Tahitians* (Hawk. ii, 161)—*Vaté* (Tur. 393) — *Boigu* (Roy. G. S. xx, 96) — *Tupis* (South. i. 222) — *Caribs* (Ed. i, 35) — *Mozos* (Hutch. 34)—*Central Americans* (Fan. 315)—*Poland* (Gib. ch. lxiv) — *Constantine* (Gib. ch. xlviii) — *Montenegro* (*The Times*, Dec. 14, 1876). § 352. *Mexicans* (Nouv. xcix, 134; Saha. bk. ix, c. 15)—*Yucatan* (Her. iv, 174) — *Abipones* (Dob. ii, 408) — *Shoshones* (Lew. & Cl. 309) — *Negas* (As. S. B. ix, 959)—*Mandans* (Cat. i, 136)—*Cochimis* (Banc. i, 567). § 353. *Mexicans* (Banc. i, 581)—*Californians* (Banc. i, 380) — *Khonds* (Macph. 57) —*Egyptians* (Dun. i, 131)—*Abyssinians* (Bru. vi, 116-17; Heri. 188-9)—*Hebrews* (1 Sam. xviii, 25, 27). § 354. *Osages* (Tylor, "Prim. Cult." i, 416)—*Ojibways* (Hind, ii, 123). § 355. *Gauls* (Lehuërou, 371; Par. 320, 658)—*Jews* (2 Maccabees xv, 30; 2 Sam. iv, 12). § 356. *Gauls* (Diod. i, 315) — *Timour* (Gib. ch. lxv) — *Khonds* (Macph. 57) — *Tahitians* (Ell. "Pol. Res." i, 488)—*Philistines* (1 Sam. xxxi, 10)—*Greeks* (Pot. ii, 109-10) —*Fijians* (U.S. Ex. iii, ch. lxxx)—*Flemish* (Chér. 358)—*French* (Leb. vi, 127). § 357. *Scotland* (Burt. i, 398)—*Khonds* (Macph. 46)—*Athenians* (Grote, iii, 382)—*Fiji* (Wil. i, 31)—*Panthay* (Baber)—*Fiji* (Ersk. 454)—*Shoshones* (Banc. i, 433) — *Chichimecs* (Banc. i, 629) — *Hebrews* (1 Sam. xi, 1-2)—*Bulgarians* (Gib. ch. lv). § 358. *Araucanians* (Thomp., G. i, 406) — *Bactrians* (Dun. i, 174) — *Hebrews* (Judges i, 6-7) — *Fiji* (Wil. i, 30, 198, 177) — *Charruas* (Hutch. 48 *et seq.*) — *Mandans* (ref. lost) — *Tonga* (Mar. ii, 210-11)—*Australians* (Mitch. ii, 345)—*Hottentot* (Pink. Voy. xvi, 141) — *Egypt* (Wilk. i, 307) — *Japanese* (Busk, 241). § 359. *Central Americans* (Her. iv, 136) — *Ashantees* (Ram. 216) — *Anc. Mexico* (Clav. bk. vii, c. 17)—*Honduras* (Her. iv, 140)—*Mistecs* (Her. iii, 262-3)—*Zapotecas* (Her. iii, 269) — *Hebrews* (Knobel, 226-7) — *Burmese* (Sang. 124) — *Gond* (Fors. 164)—*Astrachan* (Bell, i, 43)—*Hebrews* (2 Kings, xix). § 360. *Sandwich Islands* (Ell. "Hawaii," 165-6; Ell. W. ii, 69)—*Australians* (Ang. ii, 217; Hay. 103-4)—*Anc. Peruvians* (Cie. 177, 181). § 361. *Britain* (Cox and Jones, 88)—*Kalmucks* (Pal. —)—*Chinese* (Will. ii, 224)—*Greeks and Romans* (Smith, W. *s.v.* "Coma") — *Nootkas* (Banc. i, 195) — *Caribs* (Ed. i, 42)—*Nicaragua* (Her. iii, 298)—*Central Americans* (Cog. bk. iv, ch. 4)—

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POLITICAL INSTITUTIONS.

§ 437. *Santals* (Hunt. "Ann." i, 248)—*Sowrahs* (Shortt. Pt. iii, 38)—*Todas* (Hark. 18; Metz, 13; Hark. 17)—*Tipperahs* (Hunt. "Stat." vi, 53)—*Marias* [*Gonds*] (Glas. No. xxxix, 41)—*Khonds* (Macph. vii, 196)—*Santals* (Hunt. "Ann." i, 215-6)—*Lepchas* (Eth. Soc. "Jour." N. S. i, 150)—*Bodo & Dhimals* (As. S.B. xviii, 745)—*Carnatics* (Hunt. "Dic." 10)—*Chakmás* (Hunt. "Stat." vi, 48)—*Santals* (Hunt. "Ann." i, 215-6; Dalt. 217)—*Bodo & Dhimals* (As. S.B. xviii, 745)—*Lepchas* (Hook. i, 175; Eth. Soc. "Jour." N.S. i, 154)—*New Guinea* (D'Alb. 45, 48, 58-9)—*Fijians* (ref. lost)—*Dahomey* (Bur. i, 195, note; ii, 190, note)—*Mexicans* (Tern. x. 212; Clav. bk. vi, ch. 18; Diaz, ch. 208; Her. iii, 208-9)—*Cent. Americans* (Landa § xxiv; Gall. i, 104; Her. iii, 223; Pres. bk. i, ch. iv; Her. iv, 174)—*Veddahs* (Bail. ii, 228; Ten. ii, 445; Prid. i, 461). § 442. *Digger Indians* (Kel. i, 252-3)—*Chaco Indians* (Hutch. 280)—*Unyoro* (Eth. Soc. "Trans." 1867, 234-5)—*New Zealand* (Hawk. iii, 470)—*Beluchees* (Eth. Soc. "Jour." i, 109)—*Greeks* (Cur. i, 115-6)—*Carolingians* (Dun. i, 101). § 443. *Egyptians* (Wilk. i, 330-336)—*Roman* (Lact. cc. 7, 23, Salv. bk. v)—*France* (Guiz. iii, 251-2; Clam. i, 355-438, ii, 160-230, i, pp. xxv-vi)—*Gwalior* ("The Statesman," Aug. 1880, 218-19)—*Japan* (ref. lost)—*Byzantium* (Gib. iii, 303, ch. liii). § 446. *Rome* (Duruy iii, 126-7). § 448. *Bechuanas* (Burch. ii, 532)—*Greeks* (Hom. "Iliad," bk. i)—*Khonds* (Macph. 43). § 449. *Seminoles* and *Snakes* (School. "I.T." v. 260)—*Peruvians* (Squi. "Peru," 19; Cie. ch. xiii)—*Equatorial Africa* (Grant—)—*Abors* (As. S.B. xiv, 426)—*Damaras* (ref. lost)—*Kookies* (As. S. B. xxiv, 633)—*Mishmees* (Coop. 228)—*Bachapins* (Burch. ii, 512). § 450. *Bushmen* (Lich. ii, 194)—*Rock Veddahs* (Ten. ii, 440)—*New Zealand* (ref. lost)—*S. Americans* (Humb. ii, 412)—*Athenians* (Gro. iii, 88)—*Romans* (Mom. i, 65)—*Greeks* (Gro. iii, 77)—*Rome* (Coul. "C. Ant." 146; Mom. i, 67)—*India* (Maine, "E. H." 107)—*Greeks* (Gro. ii, 312-3). § 451. *Karens* (As. S. B. xxxvii, 152)—*Hottentots* (Kol. i, 287)—*New Cal.* (Tur. 85-6)—*Samoa* (Tur. 291)—*Greece* (Gro. iv, 430; ii, 359)—*Fúlbe* (Bar. ii, 510)—*Damaras* (Roy. G. S., 1852, 159)—*Peru* (Onde. 152-3). § 452. *Patagonians* (Falk. 123)—*Chinooks* (Kane, 215)—*Abipones* (Dob. ii, 105)—*Balonda* (Liv. 208)—*Kukis*

(M'Cull. xxvii, 58)—*American Indians* (Morg. 341)—*Britain* (Burt. ii, 72; Mart. "Hist." i, 343)—*Mexicans* (Zur. —)—*Peru* (Garc. bk. iv, ch. 8, and bk. v, ch. 9)—*Japanese* (Dick. 305). § 454. *Fuegians* ([Hawk.] "Hawkesworth's Voyages," ii, p. 58)—*Coroados* (Spix. ii, 244). § 455. *Bodo and Dhimals* (Hodg. 158)—*Lepchas* (Eth. Soc. "Jour." N. S. i, 147)—*Arafuras* (ref. lost). § 456. *N. A. Indians* (Kane, 214-5—*Nootkas* (Banc. i, 195)—*Vera Pax* (Xim. 202-3)—*Honduras* (Her. iv, 136)—*Dyaks* (St. John —). § 457. *New Zealanders* (Thom. i, 148) —*Sandwich Islands* (Ell. "Tour" 397)—*Fiji* (Erak. —)—*Scot.* (Maine, "E. I.," 133)—*British* (Pear. i, 12)—*English* (Stubbs, ii, 493)—*Scotland* (Innes, "Mid. Ages," 141-2). § 458. *Egypt* (Shar. i, 189; Ken. ii, 42)—*Rome* (Mom. i, 95)—*Germans* (Stubbs, i, 34)—*English* (Kem. i, 69; Hall. "M. A." ii, 295)—*Egyptians* (Wilk. i, 150, note)—*Roman* (Coul., Revue, xcix, 246)—*England* (Hall. "M. A." ch. ii, pt. 1; Ree. i, 34-6). § 459. *Danish* (Maine, "E. I." 84-5)—*Med. Eur.* (Free. "N. C." i, 96-7). § 460. *Fijians* (See. 179; Wilkes, iii, 73-4) —*Sandwich Islanders* (Ell. "Tour" 7-8)—*Tahitians* (Ell. "Pol. Res." ii, 16)—*Africa* (Rea. 241). § 461. *Sandwich Islanders* (Ell. "Tour." 392-3). § 462. *China* (Gutz. ii, 305-6)—*France* (ref. lost; Warn. i, 549-50)—*Hottentots* (Thomp. ii, 30)—*Bechuanas* (Burch. ii, 347)— *Chinooks* (Wai. iii, 338)—*Albania* (Boué, iii, 254)—*Birth*, &c. (Maine, "E. H." 134)—*France* (A. L. F. ii, 645). § 464. *Australians* (Sm. i, 103)—*Chippewas*, &c. (School. "Travels," 340-1)—*Cent. Amer.* (Banc. i, 702)—*Khonds* (Macph. 32 and 27)—*New Zea.* (Thom. i, 95) —*Tahitians* (Ell. "P. R." ii, 363)—*Madag.* (Ell. "M." i, 378)— *Phœnicians* (Mov. ii, pt. i, 541)—*Greeks* (Gro. ii, 92)—*Pr. Ger.* (Tac. in Free. "Eng. Const." 17)—*Iceland* (Mall. 291-3)—*Swiss* (Free. "E. C." pp. 1-7)—*Old Eng.* (Free. "E. C." 60). § 466. *Greenlanders* (Crantz, i, 164-5)—*Australians* (Sturt, —)—*Salish* (ref. lost; Dom. ii, 343-4)— *Bodo and Dhimals* (Hodg. 159)—*Australians* (Grey, ii, 240)—*Snakes* (L. and C. 306)—*Chinooks* (L. and C. 443)—*Dakotas* (School. "I. T." ii, 182)—*Creeks* (School. "I. T." i, 275)—*Khirgiz* (Wood, 338)—*Ostyaks* ("Rev. Sib." ii, 269)—*Nagas* (But. 146)—*Kor. Hottentots* (Thomp. ii, 30)—*Kaffirs* (Lich. i, 286-7). § 467. *Tupis* (Sou. i, 250)—*Juangs* (Dalt. 156)—*Kor. Hottentots* (Thomp. ii, 30)—*Kaffirs* (Shoo. 102)—*Damaras* (ref. lost)—*Araucanians* (Smith, 243)—*Dyaks* (Broo. i, 129)—*Malagasy* (Ell. "H. M." i, 146)—*Savages* (Lubb. 445). § 468. *Arafuras* (Kolff, 161)—*Khirgis* (Mich. —)—*Sumatrans* (Mars. 217)—*Madag.* (Ell. "Hist. Madag." i, 377)—*East Africans* (Bur. "C. A." ii, 361)—*Javans* (Raff. i, 274)—*Sumatra* (Mars. 217)—*Ashantee* (Beech. 90-1). § 469. *Congo* (Pink. xvi, 577)—*Dahomans* (Bur. i, 263). § 471. *Nicobarians* (Bast. iii, 384)—*Haidahs* (Banc. i, 168)—*Californians* (Banc. i, 348)—*Navajos* (Banc. i. 508)—*Angamies* (As. S. B. xxiv, 650—*Lower Californians* (Banc. i, 565)—*Flatheads* (Banc. i, 275)—*Sound Indians* (Banc. i, 217)—*Lower Californians* (Banc. i, 565)—*Chippewayans* (Frank. 159)—*Abipones* (Dob. ii, 102)—*Bedouins* (Ram. 9). § 472. *Khonds* (Camp. 50)—*Cent. India* (Fors. 9)—*Esquimaux* (ref. lost)—*Fuegians* (Fitz. ii, 179)—*Rock Veddahs* (Ten. ii, 440)—*Dyaks* (ref. lost)—*Caribs* (Edw. i, 49)—*Bushmen* (Lich. ii, 194)—*Tasmanians* (Lloyd, 56; Dove, i, 253)—*Tapajos* (Bates 222-3)—*Bedouins* (Bur. "El Med." iii, 44)—*Greece* (Gro. ii, 87)—*Scot.* (Martin, M. 101) *Snake Indians* (L. and C. 306)—*Creeks* (School. "I. T." v, 279)—*Comanches* (School. "I. T." ii, 130)—*Coroados* (Spix, ii, 234)—*Ostyaks* ("Rev. Sib." ii, 269)—*Tacullies* (Banc. i, 123)—*Toiewas* (Banc. i, 348)—*Spokanes* (ref. lost)—6)—*Navajos* (Banc. i, 508)— *Dôrs* (Heug. 195)—*Arabs* (Burck. i, 300)—*Sumatra* (Mars. 211). § 473. *Australians* (Eth. Soc. Trans., N. S., iii, 256)—*Comanches*

(School. "I. T." i, 231)—*Flatheads* (Banc. i, 275)—*Dyaks* (Low, 209; St. John —)—*Caribs* (Edw. i, 49)—*Abipones* (Dob. ii, 103)—*Egypt* (Tay. 16)—*Rome* (Mom. i, 79)—*Germans* (Sohm i, 9)—*French* (Ranke, i, 75). § 474. *Thlinkeets* (Banc. iii, 148)—*Fuegians* (Fitz. ii, 178)—*Tasmanians* (Bon. 175)—*Haidahs* (Banc. iii, 150)—*Dakotas* (School. "I. T." iv, 495)—*Amazulu* (Call. 340, note 86)—*Obbo* (Bak. i, 318-9)—*Mexicans* (Banc. iii, 295; Clav. bk. vii, ch. 7)—*Chibchas* (Pied. bk. ii, ch. 7)—*Egypt* (Brug. i, 406)—*Jews* (Sup. Rel. i, 117-18). § 475. *Egypt* (Shar. ii, 2)—*Coroados* (Spix, ii, 244-5)—*Santals* (Hunt. "Ann." i, 216-7)—*Khonds* (Macph. 47). § 476. *Haidahs* (Banc. i, 167)—*Fiji* (See. 232)—*Tahitians* (Ell. "P. R." ii, 346; Hawk. ii, 121)—*Madagascar* (Ell. "H. M." i, 342-3)—*Congoese* (ref. lost)—*Coast Negroes* (ref. lost)—*Inland Negroes* (ref. lost)—*Peru* (Gom. ch. 124; Garc. bk. iv, ch. 9)—*Egypt* (Wilk. i, 161 note; 162 note)—*Ceylon* (Ten. i, 497; ii, 459)—*New Caledonia* (ref. lost)—*Madagascar* (Ell. "H. M." i, 342)—*Abyssinia* (Bru. iv, 488)—*Timmanees* (Wint. i, 124)—*Kaffir* (Arb. 149)—*Aragon* (Hall. ii, 43-4). § 477. *Amazulu* (Call. 208; 390)—*Kukis* (As. S.B. xxiv, 625)—*Tahitians* (Ell. "P.R." ii, 341)—*Tonga* (Mar. ii, 76)—*Peru* (Garc. bk. i, ch. 23)—*Egyptians* (Wilk. i, 321-2 and note; Brug. ii, 35-36)—*Aryans* (Gro. i, 618)—*Chibchas* (Sim. 261-2). § 478. *Chinooks* (L. and C. 443; Wai. iii, 338)—*Patagonians* (Falk. 121)—*Orinoco Indians* (ref. lost)—*Borneo* (Low, 183)—*Sabines* (ref. lost)—*Germans* (Dunh. i, 17)—*Dyaks* (Boy. 183)—*Kalmucks* (Pall. i, 527)—*Araucanians* (Thomps. i, 405)—*Kaffirs* (Lich. i, 286)—*Greeks* (Glad. iii, 10-11)—*Karens* (As. S.B. xxxvii, 131)—*Congo* (Bast. "Af. R." 58)—*Yariba* (Lan. ii, 223)—*Ibu* (All. and T. i, 234)—*Kukis* (But. 91)—*Greeks* (Glad. iii, 51-2)—*Rome* (ref. lost)—*Europe* (ref. lost)—*French* (Hall. ch. i)—*Merovingians* (Wai. ii, 45-6, —)—*France* (Méray, 45; Boss. ii, 56; St. Sim. iii, 69). § 479. *Zulus* (Eth. Soc. "Trans." N. S., v, 291)—*Bheels* (Mal. "C. I." i, 551)—*Loango* (Ast. iii, 223; Pink. xvi, 577)—*East Africa* (Bur. "C. A." ii, 361)—*Msambara* (Krapf, 384 note)—*Dahome* (Bur. i, 226)—*Malagasy* (Ell. "H. M." i, 341)—*Sandwich Islands* (Ell. "Tour," 401)—*Siam* (Bowr. i, 422-3)—*Burmah* (Sang. 58)—*China* (Gutz. ii, 251)—*Japan* (Ad. i, 11). § 480. *Tonga* (Ersk. 126)—*Gondar* (Har. iii, 10, 34)—*Bhotan* (Ren. 16-17)—*Japan* (Ad. i, 74, 17; Tits. 223; Ad. i, 11, 70)—*Merovingian* (Egin. 123-4). § 483. *Arafuras* (Kolff, 161)—*Todas* (Eth. Soc. "Trans." N. S., vii, 241)—*Bodo* and *Dhimáls* (As. S.B. xviii, 708)—*Papuans* (Kolff. 6 Earl —)—*Bodo* and *D.* (ref. lost)—*Lepchas* (Eth. Soc. "Jour." July, 1869)—*Nagas* (As. S. B. xxiv, 608-9; ix, 950)—*N. A. Indians* (School. "I. T." ii, 183)—*Comanches* (School. "I. T." ii, 130; Banc. i, 509)—*Central America* (Squi. "Nic." ii, 340-1)—*Nagas* (As. S. B. xxiv, 607)—*Africa* (Bur. "Abeo." i, 276). § 485. *Greece* (Toz. 284-5; Herm. 14; Gro. ii, 103)—*Scotland* (Ske. iii, 323-4)—*Crete* (Cur. i, 182; 178-9)—*Corinth* (Gro. iii, 2)—*Sparta* (Gro. ii, *passim*)—*Latins* (Mom. i, 30; 80; 87; 84). § 486. *Venice* (Sis. i, 300-313)—*Netherlands* (Gra. 10, 11, 20; Mot. i, 38)—*Switz.* (Vieus. 39)—*Grisons* (May, i, 355)—*San. Mar.* (Bunt. 808-15). §487. *Ital. Repub.* (Sis. [Lard.] 21; Sis. i. 371; Sis. [Lard.] 22; 83). § 488. *Sparta* (ref. lost; Gro. ii, 90)—*Rome* (Mom. ii, 326)—*Ital. Repub.* (Hall. i, 368; Sis. [Lard.] 280)—*Holland* (May, ii, 17-18)—*Berne* (May i, 373)—*Venice* (Sis. [Lard.] 121)—*Greece* (Gro. iii, 25; Cur. i, 250)—*Romans* (Macch. iii, 429)—*Ital. Repub.* (Sis. [Lard.] 80)—*Athens* (Gro. iii, 181-5)—*Rome* (Mom. bk. i., ch. 4, *passim*)—*Italian Repub.* (May, i, 281-2). § 490. *Samoa* (Tur. 284)—*Fulahs* (L. and O. ii, 85)—*Mandingo* (Park i, 15). § 491. *Italian Rep.* (Sis. [Lard.] 21-2)—*Poles* (Dunh. 278; 285)—*Hungarians* (Lévy, 165)—*Germans* (Stubbs, i, 63)—*Merov.* (Rich. 119-20)—*Appenzal* (Lav. 65)—*Uri* (Free.

"E. C." 7)—*Scandinavia* (C. and W., i, 157-8; ref. lost)—*Tatars* (Gib. ii, 16)—*Sparta* (Gro.—). § 492. *Kaffirs* (Lich. i, 286)—*Bechuanas* (Moff. 66)—*Wanyamwesi* (Bur. "C. A." ii, 362)—*Ashantee* (Beech. 91)—*Mexico* (Zur. 106; Clav. bk. vii, ch. 13)—*Vera Pas* (Tor. bk. xi, ch. 20)—*Poland* (Dunh. 278, 279-80)—*Germans* (Hall. ii, 93)—*France* (ref. lost)—*Madag.* (Ell. "H. M." ii, 252)—*Hebrews* (1 Samuel, ch. xv)—*Tahitians* (Ell. "P. R." ii, 489)—*Mexicans* (Saha. bk. viii, ch. 24)—*Egypt* (Wilk. i, 159)—*France* (Roth, 317-20). § 493. *Denmark* (C. and W. i, 262-3)—*France* (Rich. 119-20)—*Madag.* (Ell. "H. M.," i, 378)—*England* (Free. "E.C." 60). § 494. *Egypt* (Wilk. i, 160 note)—*Persia* (Raw. iii, 223)—*China* (Will. i, 324)—*France* (Boss. ii, 56, 113, v, 4; Pul. i, 8-9; St. Sim. iii, 69)—*Rome* (Mom. i, 71-2; iii, 361)—*Poland* (Dunh. 282). § 496. *Scandinavia* (C. and W., i, 158)—*Hungary* (Patt. i, 66; 253)—*Rome* (Dur. iii, 376-8). § 498. *Greece* (Gro. iii, 124-5; iv, 169)—*Italy* (Sis. [L.] 23; 291)—*Spain* (Dunh. iv, 158)—*England* (Hume, ii, 54). § 499. *Spain* (Hall. ii, 7-8)—*France* (ref. lost)—*Scotland* (Burt. ii, 85). § 500. *Scandinavia* (Mall. 291-5)—*France* (Mor. 379-80)—*England* (Stubbs, i, 448-9)—*Holland* (Mot. i, 35)—*Anglo-Sax.* (Stubbs, i, 192)—*Spain* (Dunh. iv, 158)—*England* (Stubbs, i, 450). § 501. *England* (Hume, i, 466-7; Stubbs, i, 137)—*France* (Hall. i, 230)—*Spain* (Hall. ii, 25, 29)—*France* (Dar. "Ad." ii, 57-8; Clam. ii, 3-4; Dar. "Ad." i, 78)—*Scotland* (Innes, "Leg. An.," 116). § 502. *France* (Ord. ii, 201)—*Hungary* (Lévy, 165)—*Scotland* (Innes, "Leg. An.," 119)—*England* (Hume, —). § 504. *Egypt* (Wilk. iii, 371)—*Persia* (Raw. iii, 221)—*England* (Kem. ii, 105-11)—*Hebrews* (Ew. iii, 266-7)—*Rome* (Dur. iii, 175)—*France* (Gon. —)—*Eggarahs* (All. and T. i, 327)—*Misteca* (Her. iii, 265). § 505. *Normans and Old English* (Stubbs, i, 390)—*Scot.* (Innes, "Mid. Ages," 120-1)—*Russia* (Fowl. i, 379)—*France* (Jer. ii, 158-9; Kit. iii, 210)—*England* (Turn. vi, 132). § 508. *Tahiti* (Ell. "P. R." ii, —)—*England* (Kem. ii, 142)—*France* (Gui. iii, 233-4)—*Mexico, &c.* (Zur. 66-7)—*Chibchas* (Acos. 188-90)—*Med. Europe* (Maine, "V. C." 235-6). § 509. *England* (Free. "N. C." i, 80; Fis. 301; Hall. "M. A." ch. viii). § 510. *Feudal* (Maine, "E. I." 77)—*France* (Mau. cvii, 584)—*Persians* (Raw. iii, 418; 426)—*Rome* (Dur. v, 83-4)—*France* (Thie. i, 365-6; Cher. "Hist." ii, 138-9)—*England* (Hall. "C. H." ch. xii). § 511. *Bedouins* (Burck. "Notes" 5; Pal. "Ency. Brit." ii, 249)—*Irish* (Maine, "E. I." 105-6)—*Albania* (Boué, ii, 86; iii, 359)—*England* (You. 147). § 512. *Mexico* (Zur. 50 62)—*Russia* (Lav. 8, 9)—*Teutons* (Stubbs, i, 56; Cæs. vi, 22; Kem. i, 56-7)—*Bakwains* (Liv. 14)—*Japan* (Alc. ii, 241)—*Franks* (Kem. i, 238)—*England* (Thor. i, 274; 386; 450)—*Russia* (Kou. 229). § 513. *England* (Kem. i, 240-3; Stubbs,—)—*Peru* (Pres. 72)—*Mexico* (Clav. bk. vii, ch. 5; Gom. —)—*Egypt* (Heer. ii, 139)—*Greece* (Herm. 10)—*China* (Will. i, 388)—*India* (Gho. *passim*)—*Scandinavia* (ref. lost; Bren. lxviii)—*England* (Bren. lxix-lxx.) § 516. *Siam.* (Loub. i. 237)—*Ashante* (Beech. 129)—*Fulahs* (L. and O. ii, 87)—*Rome* (Mom. i. 99-100). § 517. *Sueve* Stubbs, i, 15). § 518. *Guaranis* (Waitz, iii, 422)—*Nicaragua* (Squi. "Nic." ii, 342)—*New Zealand* (ref. lost)—*Bedouins* (Burck. —)—*Tahiti* (Forst. 377)—*Hebrews* (2 Sam. xxi, 17)—*Carolingian* (Wai. iv, 522)—*Japan* (Ad. i, 15)—*Peru* (Pres. 35). § 519. *Hottentots* (Kol. i, 85)—*Malagasy* (Ell. "H. M." ii, 253)—*Chibchas* (Sim. 269)—*Rome* (Coul. "C. A." 158)—*Germans* (Stubbs, i, 34)—*Old England* (Kem. i. 69)—*France* (Kit. i, 399; Froiss. i, 168)—*Sparta* (Gro. —)—*Rome* (Mom. i, 98-9). § 520. *France* (Ranke, i, 83). § 522. *Chinooks* (Waitz, iii, 338)—*Arabs* (Bur. "El Med." iii, 47)—*Italy* (Sis. [L.] 90)—*France* (Maine, *Fort. Rev.* 614)—*England* (Ree, i, 153-4)—*France* (Gui. —). § 523. *Hottentots* (Kol. i, 294-6)—*Greece* (Gro. ii, 99-100)—*Rome* (Mom. i, 159)—*Germans*

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